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2001

Finding of No Significant Impact

on the

Environmental Assessment

For

STPP 52-1(17)0
STATE ROUTE 35:
POLSON-EAST
P.M.S CONTROL No. 4036

STATE DOCUMENTS COLLECTION
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HELENA, MONTANA 59620

IN

LAKE COUNTY, MONTANA

MONTANA DEPARTMENT OF TRANSPORTATION

AND

U.S. DEPARTMENT OF TRANSPORATION,
FEDERAL HIGHWAY ADMINISTRATION

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FEDERAL HIGHWAY ADMISTRATION
FINDING OF NO SIGNIFICANT IMPACT

FOR

STPP 52-1(17)0
STATE ROUTE 35:
POLSON-EAST
P.M.S CONTROL No. 4036

IN

LAKE COUNTY, MONTANA

THE FEDERAL HIGHWAY ADMINISTRATION (FHWA) HAS DETERMINED THAT THE MONTANA DEPARTMENT OF TRANSPORTATION'S (MDT's) PREFERRED ALTERNATIVE OF THIS PROPOSED ACTION WILL HAVE NO SIGNIFICANT IMPACT ON THE HUMAN ENVIRONMENT. THIS FINDING OF NO SIGNIFICANT IMPACT (FONSI) IS BASED ON THE ATTACHED ENVIRONMENTAL ASSESSMENT (EA). THE FHWA HAS INDEPENDENTLY EVALUATED THIS DOCUMENT AND DETERMINED THAT IT ADEQUATELY AND ACCURATELY DISCUSSES THE NEED, ENVIRONMENTAL ISSUES, AND IMPACTS OF THE PROPOSED ACTION AND THE APPROPRIATE MITIGATION MEASURES. IT PROVIDES SUFFICIENT EVIDENCE AND ANALYSIS FOR DETERMINING THAT AN ENVIRONMENTAL IMPACT STATEMENT (EIS) IS NOT REQUIRED. THE FHWA TAKES FULL RESPONSIBILITY FOR THE ACCURACY, SCOPE, AND CONTENT OF THE ATTACHED EA. NO PROGRAMATTIC SECTION 4(f) EVALUATION IS REQUIRED.

8-3-2001

for Federal Highway Administration — Date

Dale W. Paulson
Program Development Engineer

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FINDING OF NO SIGNIFICANT IMPACT

STPP 52-1(17)0 STATE ROUTE 35: POLSON-EAST

Introduction to Finding of No Significant Impact

Distribution List - Finding of No Significant Impact

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Section 2 - Summary of the Public Hearing on the Environmental Assessment

Section 3 - Comments and Responses to Comments on the Environmental Assessment

Section 4 - Addendum to the Environmental Assessment

Section 5 - Final Environmental Assessment

INTRODUCTION TO FINDING OF NO SIGNIFICANT IMPACT

STPP 52-1(17)0 STATE ROUTE 35: POLSON-EAST

Following is a description of the contents in this document:

Distribution List - Finding of No Significant Impact

Section 1 - Public Notice of Availability for the Environmental Assessment

Notice and News Release provided to local papers announcing availability of the Final Environmental Assessment.

Section 2 - Summary of the Public Hearing on the Environmental Assessment

Summary of the comments and statements provided at the public hearing and responses from Montana Department of Transportation (MDT) to those comments.

Section 3 - Comments and Responses to Comments on the Environmental Assessment

Comments received by the public on the Final Environmental Assessment and responses from MDT to those comments.

Section 4 - Addendum to the Environmental Assessment

The revised pages from the Final Environmental Assessment (EA) are contained in this section. The revisions are indicated by underlines for easy identification. In addition, the page numbers are adjusted to match the Final EA as closely as possible. Therefore, the page numbers match those of the Final EA where possible; if additional text pushed the section to the next page, the page number is designated ‘A’ (for example, page ‘17A’).

Section 5 - Final Environmental Assessment

The Final Environmental Assessment approved by Federal Highway Administration (FHWA) on March 29, 2001.

DISTRIBUTION LIST
FINDING OF NO SIGNIFICANT IMPACT

STPP 52-1(17)0 STATE ROUTE 35:
POLSON-EAST

The following agencies and individuals were provided a copy of this FONSI:

Public Review Locations

Lake County Courthouse	106 4th Ave. E, Polson, MT 59860
City of Polson	106 1st St. E, Polson, MT 59860
Polson City Library	2 First Ave. E, Polson, MT 59860
Salish Kootenai College Library	5200 Highway 93, Pablo, MT 59855
The Confederated Salish and Kootenai Tribes of the Flathead Reservation	Highway 93, Pablo, MT 59855
Montana Department of Transportation	2100 West Broadway, Missoula, MT 59807-7039
Montana Department of Transportation	85 5th Ave. East North, Kalispell, MT 59903-0308
State Library	1515 East 6th Ave., Helena, MT 59620-1800

Agencies

Bureau of Indian Affairs	Stanley Speaks, Area Director	911 N.E. 11th Ave. Portland, OR 97232
City of Polson	Honorable Mike Lies, Mayor	106 1st St. E Polson, MT 59860
Confederated Salish & Kootenai Tribes	Fred Matt, Chairman	P.O. Box 278 Pablo, MT 59855
Lake County Board of Commissioners	Barry Baker	Lake County Courthouse 106 4th Ave. E Polson, MT 59860
Flathead Irrigation District	Earnest Morgan	P.O. Box 666 St. Ignatius, MT 59855
Environmental Quality Council	--	Capital Station Helena, MT 59620
Federal Highway Administration	Dale Paulson	Montana Division 2880 Skyway Drive Helena, MT 59602

Individuals

Friends for Responsible Development of Highway 35	Nancy A. Gordon	1112 South Shore Route Polson, MT 59860
McCurdy Law Firm, P.C.	Keith W. McCurdy, Attorney at Law	Professional Center Building 17 3rd Ave. E Polson, MT 59860
Delaney & Delaney	Dexter Delaney, Attorney at Law	University Plaza Building, Ste. 100 100 Ryman Missoula, MT 59801
Skillings, Connolly, Inc.	Tom Skillings, P.E., Consulting Engineer	5016 Lacey Boulevard SE Lacey, WA 98503
Century 21	Ric Smith	P.O. Box 1027 Polson, MT 59860
--	Kathleen L. Young	1095 Bayview Drive Polson, MT 59860-9682

Public Notice of Availability for the Environmental Assessment for STPP 52-1(17)0 Polson-East P.M.S. Control No. 4036

MDT

EA Available for Comment

The Montana Department of Transportation has prepared an Environmental Assessment (EA) evaluating the environmental impacts of proposed reconstruction to a portion of Montana Highway 35, east of Polson, in Lake County, Montana.

The project includes improvements to the roadway including widening, storm drainage, overhead lighting, curb and gutter, and new turn lanes. The proposed project begins at the intersection with US Highway 93 extending east 2.8 miles on MT 35 and ends at Ducharme Creek. MDT held a public informational meeting about the project in August 2000.

There will be a public hearing on the Environmental Assessment at 7 pm, Thursday, April 26, at the First Baptist Church, Highway 35, Polson, Montana.

Copies of this EA are available for review and comment beginning April 12 at the following seven locations:

Lake County Courthouse
106 4th Avenue East
Polson, MT 59860
Mon-Fri, 8am-5pm

City of Polson
106 First Street East
Polson, MT 59860
Mon-Fri, 8am-5pm

Polson City Library
2 First Avenue East
Polson, MT 59860
Mon-Fri, 11am-6pm
Sat-Sun, 11am-3pm

Salish Kootenai College Library
5200 Highway 93
Pablo, MT 59855
Mon-Fri, 8am-4:30pm

Confederated Salish & Kootenai Tribes of The Flathead Reservation
Highway 93
Pablo, MT 59855
Mon-Fri, 8am-4:30pm

Montana Department of Transportation
85 5th Avenue East North
Kalispell, MT 59903-0308
Mon-Fri, 8am-5pm

Montana Department of Transportation
2100 West Broadway
Missoula, Montana 59807-7039
Mon-Fri, 8am-5pm

For a personal copy of this EA please send a written request to: Joel Marshik, Manager, Environmental Services, Montana Department of Transportation, PO Box 201001, Helena, Montana 59620-1001.

Written Comments should be mailed to: Joel Marshik, Manager, Environmental Services, Montana Department of Transportation, PO Box 201001, Helena, Montana 59620-1001.

Written Comments regarding this EA must be received by or before May 11, 2001.

To arrange special accommodations for persons with disabilities, call MDT at (888)231-5819, or TTY (800) 335-7592.

Montana Department
of Transportation

PO Box 201001
Helena, MT 59620-1001

Judy Martz, Governor

FOR IMMEDIATE RELEASE

April 3, 2001

For further information, contact:
Loran Frazier, (406) 523-5800 or
John Robinson, (406) 444-9415

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2100 West Broadway
Missoula, Montana 59807-7039
Mon-Fri, 8am-5pm

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Written Comments should be mailed to: Joel Marshik, Manager, Environmental Services, Montana Department of Transportation, PO Box 201001, Helena, Montana 59620-1001.

Written Comments regarding this EA must be received by or before May 11, 2001.

To arrange special accommodations for persons with disabilities, call MDT at (888) 231-5819, or TTY (800) 335-7592.

---END---

STPP 52-1(17)0
Polson-East
Control Number 4036

Summary of the Public Hearing on the Environmental Assessment for
STPP 52-1(17)0
Polson-East
P.M.S. Control No. 4036

PUBLIC HEARING

ON THE
ENVIRONMENTAL ASSESSMENT
FOR THE
POLSON-EAST HIGHWAY 35 PROJECT
TRANSCRIPT OF PROCEEDINGS

First Baptist Church
Polson, Montana

April 26, 2001 7:00 p.m.

MDT PUBLIC INVOLVEMENT SECTION
REPRESENTATIVES
John Robinson
Dave Dreher
Loran Frazier

STELLING ENGINEERS, INC.
Mitch Stelling
Alden Beard

URS CORPORATION
Kristin Connolly

Public comments were given in verbal testimony as follows:

COMMENT OR STATEMENT	***RESPONSE***
DAVE STIPE - Lake County Commissioner: Commissioner Stipe stated he was a resource for parties involved in the project, and had no other comments.	*Comment noted.*
LINDA KINGSLEY – NW Montana Realty: Ms. Kingley expressed concern about the proposed frontage road along the front of her business building.	*Comment noted.*
She stated the project will have a definite impact on business and access.	*Text was added to EA Addendum Section 3.1.4 to further clarify impacts. EA Addendum Table 3.6-3 was revised to further clarify access.*

COMMENT OR STATEMENT	*RESPONSE*
She wants to see socioeconomic figures that were presented in the EA.	*Socioeconomic figures are presented in EA Section 3.1.*
She fears the proposed frontage road will be a short cut around the (Highway 93) stoplight, and noted that the "Frosty" ice cream business suffered due to lost access with the curb in front of that establishment.	*See response to Comment No. 9, page 2 of 2, paragraph 4 regarding speeding motorists. Comment noted regarding Frosty's loss of access.*
She also commented that the proposed 10-foot bikepath plus the 5-foot sidewalk and landscaping take too much space.	*See response to Comment No. 2, Item 7 regarding sidewalks and bike paths. Low profile landscaping would be considered during the design process.*
She is concerned that potential clients of NW Montana Realty approaching the Highway 93/35 intersection from the south will be confused by the frontage road, and unable to figure out access to her business. She wondered where additional parking would be provided if lost due to the frontage road construction.	*See response to Comment No. 9, page 1 of 2, paragraph 5 regarding visibility and page 2 of 2, paragraph 3 regarding access points to U.S. 93 and S.R. 35. There would be no loss in parking due to the frontage road construction.*
Her company recently spent thousands of dollars upgrading its business facilities, not knowing a frontage road was being contemplated. She suggests waiting until the Highway 93 reconstruction is better figured out before proceeding with the frontage road concept.	*Under the Preferred Alternative No. 3 (frontage road), Northwest Montana Realty would be provided three (3) driveway accesses onto the frontage road and would retain access to the parking area in front of the business. The frontage road would be constructed in lieu of the shared access between China Garden and Northwest Montana Realty as proposed in the current Access Control Plans along U.S. 93. Construction of the frontage road would not create a problem with upcoming plans for access control and widening along U.S. 93 north of the intersection.*
She complained that only her building owner (NW Montana Realty is a leasee) was contacted about the hearing, and she did not receive a mailed notification about tonight's hearing.	*MDT typically sends mailings to property owners not leasees. The meeting was also publicly advertised in the newspaper.*
She concluded by noting that many impacts will result from her business having to relocate. She cited the example that they will not be able to have their same sign if relocating elsewhere.	*Comment noted. None of the proposed alternatives require the relocation of Northwest Montana Realty.*

COMMENT OR STATEMENT	*RESPONSE*
She prefers Alternative #1 and not relocating her business.	*Text was added to EA Addendum Section 2.3 to better clarify the alternatives and why Alternative No. 3 is preferred. See Response to Comment No. 9, paragraph 4 for discussion of proposed access under Alternative No. 1 and No. 2. See Response to Comment No. 3, page 2 of 3 for further clarification of alternatives.*
She does not want landscaping to obstruct views of her signage or business.	*Landscaping will meet all traffic safety and visual requirements. Low-profile vegetation will be proposed in the roadway design. Text was added to EA Addendum Section 3.5.2 to clarify vegetation requirements.*
DEXTER DELANEY – Attorney representing the Ho's, owners of China Garden: Mr. Delaney asked if the north end of the proposed frontage road at the Highway 93 intersection will be on the Ho's property. He noted that various maps he'd seen seemed to disagree. Mitch Stelling responded that the maps include "break lines" in the road, a drafting convention to indicate the roadway continues. Mr. Delaney indicated he wants a "final, accurate" map.	*See response to Comments No. 6, 14, and 18.*
Mr. Delaney continued, asking if new fill will be placed on the Ho's property, and how many curb cuts will be allowed to the (China Garden) business. Mitch Stelling responded that one curb cut per business is proposed, but they have not been designed yet. Stelling asked Dick Weaver to comment on the Access Control Plan for Highway 93, and Mr. Weaver added that there may be two curb cuts for businesses requiring truck access.	
Mr. Delaney asked when and where construction will start, to which Mitch Stelling responded that it was not yet known and would be part of a yet-to-be-written construction contract. Loran Frazier of MDT added that he wants the Highway 35 reconstruction scheduled ahead of Highway 93, due to conjunctive use drainage facilities for the two projects.	

COMMENT OR STATEMENT	***RESPONSE***
ROBERTA THICK – Polson City Commissioner: Ms. Thick expressed concern that storm drainage from the Frontage Road will (overland) flow to the golf course. Mitch Stelling interjected that storm drainage will be piped to a central system. She asked the consultant to look at Highway 93 north of the intersection, recommending it be included in the functional analysis of the proposed improvements.	*See response to Comments No. 10. Text was added to EA Addendum Section 3.9 to clarify the frontage road storm drain system. MDT is currently evaluating the U.S. 93 reconstruction to coordinate with the proposed frontage road and S.R. 35 reconstruction.*
ROBERT STONE - Ducharme Lane resident: Mr. Stone referenced the EA, and stated support for the CSKT's concern that the new road should extend beyond the three creeks east of the project terminus, although "he realized the reasons it was not." He noted these creeks are very unique wetlands. He asked if road work were needed east of the current eastern project limits in several years, could the roadway be raised then. If so, he noted that wildlife and fish passages may be needed under the highway. He stated MDT is the only logical party to address these issues.	*Comment noted. See EA Appendix C, December 9, 1999 letter from MDT to CSKT.* *Comment noted.*
Mr. Stone added that he thinks the continuous bikepath is a great idea especially for children. He's also glad the (Hwy 35) lighting stops at Heritage Drive, because he "likes starlight better."	*Comment noted.*
RICK SMITH – Century 21 Realty: Mr. Smith stated an Environmental Impact Statement should be considered because the socioeconomic impacts to businesses such as his are significant. He suggested no construction on the project be allowed between May 15th and Labor Day each year, to avoid the prime tourist season. He expressed satisfaction with the level of business owner involvement in the project process and the business involvement in developing the Construction Sequencing Plan.	*Socioeconomic impacts to businesses were discussed in EA Section 3.1 and text was added to EA Addendum Section 3.1.4.* *See response to Comment No. 3, page 2 of 3 and page 3 of 3 regarding May 15 to labor Day construction proposal.*
JIM DURGLO – CSKT MEPA Coordinator: Mr. Durglo commented that exceptions to design standards, including mailboxes, need to be identified in the EA.	*Text was added to the EA Addendum Section 3.6.5 that signage, mailboxes, and design exceptions will be coordinated with the CSKT and meet the CSKT requirements.*

COMMENT OR STATEMENT	***RESPONSE***
He also observed that the CSKT's permitting authority, not just the State of Montana's, Clean Water Act needs to be acknowledged in the EA on page 45, part 3.8.1. He recommended that the findings of the CSKT cultural resource survey be included in the third paragraph of page 57 of the EA.	*See response to Comment No. 10.*
He expressed concern about access to businesses with the project proposal, specifically Tradewinds Realty and Y-Ribs. He suggested that a restricted left turn at the Highway 93 intersection (Alternative #2) is preferable to business relocations (Alternative #3).	*See response to Comment No. 3, page 2 of 3 to further clarify access along the frontage road and intersection alternatives. Text was added to EA Addendum Section 2.3 to clarify the intersection alternatives.*
RANDY INGRAM – Tradewinds Realty: Mr. Ingram commented that he is a proponent of the preferred alternative in the EA (Alternative #3), despite his business having to be relocated. He asked to be given as much advance notice for his relocation as possible.	*Comment noted.*
LINDA KINGSLEY – NW Montana Realty: Ms. Kingley commented a second time, indicating that she thinks the 10-foot bikepath is overly wide.	*See response to Comment No. 2, page 1 of 1, Item 7 regarding bike paths.*
The Public Hearing for the Polson-East Highway 35 EA ended at 8:40 p.m.	

Comments and Responses to Comments on the Environmental Assessment for STPP 52-1(17)0 Polson-East P.M.S. Control No. 4036

LETTERS RECEIVED AND SENT REGARDING THE POLSON-EAST EA

COMMENT NO:	FROM:	TO:	DATED:
1	Letter-Keith W. McCurdy	Joel Marshik - MDT	April 17, 2001
2	Comment Sheet-Sotero Muniz	Sent to MDT	Rec: April 24, 2001
3	Letter-Board of Lake County Commissioners w/Ric Smith letter Highway 35 Business Owners Position Statement	Joel Marshik - MDT	April 24, 2001
4	Letter-Keith W. McCurdy	Samuel Naseem-MDT	April 26, 2001
5	Letter-Keith W. McCurdy	Samuel Naseem-MDT	April 30, 2001
6	Letter-Dexter Delaney	Stelling Engineers, Inc.	May 2, 2001
7	Letter-Frank S. Stock	Joel Marshik-MDT	May 4, 2001
8	Comment Sheet - Ken Gochis	Sent to MDT	May 7, 2001
9	Letter-Kathleen Young	Stelling Engineers, Inc.	May 7, 2001
10	Letter-CSKT-Fred Matt	Joel Marshik-MDT	May 8, 2001
10A	Letter-Ric Smith	Joel Marshik-MDT	May 8, 2001
11	Letter-Samuel Naseem-MDT (Response to 4/26/01 letter)	Keith W. McCurdy	May 9, 2001
12	Letter-Samuel Naseem-MDT (Response to 4/30/01 letter)	Keith W. McCurdy	May 9, 2001
13	Letter-Keith W. McCurdy	Samuel Naseem-MDT	May 9, 2001
14	Letter-Mitch Stelling-Stelling Engineers, Inc. (Response to 5/2/01 letter)	Dexter Delaney	May 9, 2001
15	Letter-Lake Cty Planning Dept Dave DeGrandpre	Joel Marshik-MDT	May 11, 2001
16	Comment Sheet-Duane Lutke	Joel Marshik-MDT	April 26, 2001
17	Comment Sheet-Kai Smith	Joel Marshik-MDT	April 26, 2001
18	Letter-Dexter Delaney	Stelling Engineers, Inc.	May 16, 2001
19	Letter - Keith McCurdy	Samuel Naseem-MDT	May 21, 2001

Comment No. 1

McCURDY LAW FIRM P.C.

Professional Center Building
17 Third Avenue East
Polson, Montana 59860

KEITH W. McCURDY
JAMES RAYMOND
Attorneys and Counselors at Law

Telephone (406) 883-4393
Fax (406) 883-2425

9911

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April 17, 2001

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Joel Marshik, P.E.
Manager, Environmental Services
Montana Department of Transportation
P.O. Box 201001
Helena, Montana 59620

RE: Polson-East (Montana 35)
Environmental Assessment for Public Comment
STPP 52-1(17), UPN 4036

Dear Mr. Marshik:

I have reviewed the EA comment letter of April 9, 2001 at the request of my client, Melaine Murray, who owns real property on the south side of Montana Hwy 35 from Haack Road west for a distance of 1980 feet, more or less. The proposed highway "improvement" impacts Ms. Murray more than any other landowner on the south side of Montana Hwy 35. Ms. Murray is diametrically opposed to the taking of any part of her real property for the stated purposes.

Will you kindly send me a copy of the EA for this project?

Sincerely,

McCURDY LAW FIRM, P.C.

Keith W. McCurdy

KWM:kjd

cc: Melaine Murray

RESPONSE TO COMMENT NO. 1

- *McCurdy to Marshik*
- *April 17, 2001*

Additional right-of-way would be required on both the north and south sides of MT 35 to accommodate the wider roadway section. There are at least three properties on the south side which have greater right-of-way (acreage) requirements than the Murray property. There are several properties on the north side which exceed the acreage requirements of the Murray property. Two businesses on the south side of MT 35 are scheduled for relocation to accommodate roadway shifts."

The philosophy used in establishing horizontal alignment was to shift away from residences and businesses wherever feasible. The proposed alignment shifts in the vicinity of the Murray property are prompted by the close proximity of two residences on the north. The first home (Hart) is located 975 feet to the west and the second home (Stanger) is located 325 feet to the east. The projected acreages of right-of-way required from these landowners is similar to the acreage required from Murray. A shift of alignment to the north would further impact these two properties.

In order to mitigate impacts to the Murray residence we have proposed two features:

- A two-lane urban roadway section utilizing curb and gutter has been proposed to eliminate the standard rural ditch section. The use of the urban section would reduce the right-of-way requirements by nearly 30 feet in the vicinity of the Murray property.
- The proposed roadway grade has been established to closely match grades near the Murray residence in a effort to minimize the cuts and fills.

The MDT mailed a copy of the EA to Keith McCurdy on April 20, 2001.

Comment No. 2

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COMMENT SHEET

Polson-East (Montana 35)
Draft Environmental Assessment for Public Comment
STPP 52-1(17)0, UPN 4036

I have the following comments on the Montana 35 Draft Environmental Assessment:

1. PAGE 14. FIG 2.3.1 DOES NOT SHOW DRIVEWAY ACCESS TO BUSINESSES AS DOES FIG. 2.3.2A. THE UNBROKEN CURB & GUTTER - RED LINE ON 2.3.1 SUGGESTS NO DRIVEWAYS.
2. WITH THE REMOVAL OF THE 'Y' RIBS BLDG, LAND COULD BE MADE AVAILABLE FOR THE PARKING SPACES LOST TO 4 'B'S. THIS MIGHT BE A BETTER ALT. THAN THE PROPOSED RETAINING WALL & USING THE SAFEWAY ACCESS ROAD TO GAIN LOST PARKING SPACES.
3. CENSUS DATA CITED IS IN CONFLICT. REPORT CITES '98 POPULATION FOR POLSON IS AT 4593. — 2000 CENSUS FIG FOR POLSON IS 4023±
4. REFERENCES TO NTL 2000 A & NTL 2000 B ON PAGE 40 ARE NOT EXPLAINED ON ACRONYM - ABBREVIATIONS - PAGE iii.
5. DIFFERENT SCALES FOR MAP & MOSAIC DATA CAUSED DIFFICULTY IN RELATING BACK & FORTH. eg. FINDING THE M.P. FROM THE MAP ON THE MOSAIC & AN ACCESS POINT ON THE MOSAIC ON THE MAP.
6. THIS EA IS WELL DONE. AN EIS IS NOT WARRANTED OR IN THE PUBLIC INTEREST.

Name: SOTERO MUNIZ

Address: 259 EAGLE NEST DR. #11 POLSON

Phone: 406 883-4022

(The above information is optional)

Use additional sheets if necessary. Please mail written comments on the draft EA to:

VERBAL COMMENT FROM SOTERO MUNIZ TO MITCH STELLING AT THE HWY 93 MEETING IN POLSON ON APRIL 30,2001 IN POLSON.

7. THE 10' WIDE BIKE PATH SEEMS EXCESSIVE AND SHOULD BE NARROWER PERHAPS 8' TO DISCOURAGE VEHICULAR TRAFFIC.

RESPONSE TO COMMENT NO. 2

- *Sotero Muniz Comment*
- *April 24, 2001*

Item 1: Figure 2.3.1 was modified in the EA Addendum to show proposed access locations to 4-B's Restaurant, China Garden, Northwest Montana Realty, Frosty's, and Century 21. The thin red lines on Figure 2.3-1 represent curb and gutter. The wider red rectangles represent driveway accesses.

Item 2: 4-B's currently has two access points, which include one directly onto S.R. 35 and the other onto Safeway Drive. These accesses would be maintained by the Preferred Alternative.

In order to accommodate the frontage road, the S.R. 35 alignment, including the sidewalk and roadway would be shifted to the south. The alignment shift would place the sidewalk and driving lane through the north portion of the 4-B's parking lot. In order to minimize the right-of-way required from 4-B's and parking loss, and to provide for adequate circulation around the facility, the retaining wall is proposed. Without the retaining wall, roadway fill slopes would extend further south into the 4-B's parking lot and compromise circulation. The suggestion to utilize the remainder of the "Y" Ribs property or the Tradewinds Realty property for replacement parking will be considered in the design.

Item 3: Comment noted. At the time the Final EA was published and approved, the data incorporated into the Socioeconomic Section 3.1 was the most current data available. Only recently has the 2000 census data from the U.S. Census Bureau been published. The 1998 population estimate for the City of Polson was 4,593; the 2000 reported population for the City of Polson is 4,041. This newer 2000 data indicates only minor changes from the 1998 estimates provided in the existing Socioeconomic Section 3.1. Therefore, the intent of the socioeconomic analysis in the Final EA remains the same and no revision is needed at this time.

Item 4: The acronym for NTL refers to a geotechnical engineering firm named NTL Engineering & Geoscience, Inc. based in Great Falls, MT. NTL performed the geotechnical investigations for this project. References (and company acronyms) were provided in EA Section 5.0.

Item 5: Comment noted.

Item 6: Comment noted.

Item 7: Lake County and the City of Polson in their letters dated 12/9/99 have requested a path *"approximately 10 feet in width (City/County Zone Standard) to accommodate both pedestrian and bike travel".* During roadway design this comment would be taken into consideration.

Comment No. 3

Lake County Courthouse
LAKE COUNTY (406)883-7204
106 4th Ave. E.
Polson, Montana 59860

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April 24, 2001

Joel Marshik, Manager
Environmental Services
MT Dept. of Transportation
P. O. Box 201001
Helena, MT 59620-1001

SUBJECT: INTERSECTION OF HIGHWAY 93 & 35 RECONSTRUCTION

Dear Mr. Marshik:

The Board of Lake County Commissioners met with several local business people relative to the above referenced project. Attached for your review is a position statement developed by the group. It is our belief that the four conditions contained within the position paper are reasonable and necessary. We go on record in support of these conditions.

Additionally, if the advanced alternative were eventually the design to be constructed, we would ask that those businesses which will be removed (Tradewinds Realty and Y Ribs) be purchased in a timely manner. These businesses will require adequate time to rebuild or relocate without disruption of service.

Thank you for the opportunity to comment on these design concepts. We support projects which improve public safety and enhance traffic movement.

BOARD OF LAKE COUNTY COMMISSIONERS

Dave Stipe
Dave Stipe, Chairman

Mike Hutchin
Mike Hutchin, Member

Paddy Trusler, Member

Enc.
Cc: Loren Frazier
Ric Smith
Dave DeGrandpre

Date Recd Preconst 5-1-01				
Act	Info	MAIL ROUTE	Attach	Initial
	✓	30 Preconst Engr	✓	
		30 Assistant		
		30 Office Mgr		
		31 Safety Mgmt.		
		32 Road Design		
		33 Environment		
		34 Hydraulics		
		35 Survey & Mapping		
		36 Traffic Eng		
	✓	39 Consultant [illegible]	✓	
	✓	File	✓	

RESPONSE TO COMMENT NO. 3

- *Lake County to Marshik*
- *April 24, 2001*

Comment noted. The MDT has started discussions with the owners of Tradewinds Realty with regard to relocation assistance. This work is being accomplished as part of the Access Control Project along Highway 93. "Y" Ribs would not be contracted until the environmental process for S.R. 35 is completed and approved by the FHWA.

Comment No. 3
(Cont.)

Century 21
Big Sky Real Estate
PO Box 1027, 19 South Shore Rte
Polson, Montana 59860
Business (406) 883-5387
Business (406) 883-5201
Fax (406) 883-5389
E-Mail c21bgsky@digisys.net
Website www.century21bigsky.com

April 23, 2001

Lake County Commissioners
Lake County Courthouse
Polson, MT 59860

Dear Sirs:

To begin with I want to thank you for your time and interest in the proposed Highway 35 project. The many business owners I have spoken with over the past year about this project have expressed concern that our governmental agencies are not interested in the needs here. It is refreshing.

Most people I have spoken with favor alternative 3, but there are those who favor #2. There are questions as to whether or not alternative 3 is overkill and is it necessary.

All business people I have spoken with agree on the attached construction proposal. The business community is very seasonal and this project has the potential for devastating impacts. We have everything from Mom and Pops to large national chains. A summer of poorly planned construction would negatively impact all business regardless of their nature.

After my discussions I request the commissioners to:

#1 Endorse and support as needed the attached construction proposal schedule.
#2 Asks MDOT to provide Tradewinds Real Estate an early buy out proposal.

Again, I truly appreciate your time and interest. The business owners and myself feel that your input would have a positive impact on this project. Thank you.

Sincerely yours,

Ric Smith
Broker Owner

Each Office Is Independently Owned And Operated

RESPONSE TO COMMENT NO. 3 (Cont.)

- ***Smith to Lake County***
- ***April 23, 2001***

For Clarity, Alternative No. 1 refers to a proposal which maintains existing access and a single lane east bound. Alternative No. 2 refers to a proposal that provides a raised median. The raised median would provide some access control by prohibiting left turns. This alternative would also provide for a single lane east bound. Alternative No. 3 refers to a proposal which would provide a frontage road for businesses in the northeast quadrant of the intersection and would provide for two (2) lanes east bound along S.R. 35, resulting in the relocation of "Y" Ribs and Tradewinds Realty.

Alternative No. 3 (frontage road) has been proposed to reduce the number of vehicle conflict points at the junction with Highway 93 and improve mobility through the intersection. The frontage road would provide 2-way travel in front of businesses and would improve access during the peak summer traffic season. Motorists could access the frontage road from Highway 93 and S.R. 35. Access to existing on-premise parking would be provided along the frontage road at specified locations proposed in Figure 2.3-1 of the EA Addendum. Text has been added to the EA Addendum Section 2.3 to further clarify the intersection alternatives.

Comment noted.

Comment No. 3
(Cont.)

HIGHWAY 35 BUSINESS OWNERS
POSITION STATEMENT

Trying to obtain agreement amongst a group of small business owners is like herding cats. However, all of the business owners are interested and concerned about highway 35 construction.

There is agreement that something needs to be done. There is however disagreement over what exactly needs to be done with some feeling that the preferred alternative is overkill.

One area of strong agreement is the construction period. Business owners read the EA and were pleased that our comments on the construction were addressed. Following are more specific details that we do agree on.

#1 Construction work is to cease from May 15 to the first Monday after Labor Day. The state agreed to this schedule on 4th avenue in Polson.

#2 Access to business will not be denied anytime during the construction period. Signage to be installed to make it easier for customers to access the business of their choice.

#3 That MDOT have a detailed construction contract. Included would be phasing of the project. The EA indicated this would be proposed, thank you. The goal would be to provide the least possible disruption to existing businesses.

#4 That MDOT organize a group of business owners to assist in detailing the construction period, such as phase in periods and address issues when they arise. This concept was also mentioned in the EA, thank you.

It is our opinion that if the above-described model were followed we would have a construction project that met the needs of all concerned and perhaps could be used elsewhere in the state.

RESPONSE TO COMMENT NO. 3 (Cont.)
- *Business Owners to Lake County*
- *April 23, 2001*

Comment noted. MDT applauds the S.R. 35 business owners for working together and taking an interest in the project.

#1: The reconstruction of the entire S.R. 35 project (2.8 miles of roadway) would require two construction seasons to complete. The magnitude of the work that needs to be completed during this time frame is much larger than the work completed on 4th Avenue in Polson. The work referred to on U.S. 93 and 4th Avenue in Polson included the installation of a new signal and the realignment of 4th Avenue. The majority of this work was outside of the travel lanes of U.S. 93 and could be completed without significant delays in traffic. In comparison, the S.R. 35 project will require complete reconstruction of the roadway. Eliminating construction from May 15 through Labor Day may be impractical for the following reasons:

1. This proposal would eliminate nearly four (4) months of the available seven (7) months of construction season. Construction from November 1 through March 30 is generally not practical in Montana. The Department would be limited to paving and preparing base course during less desirable weather conditions. The result could be poor quality roadway improvements at a higher cost.
2. Limiting the construction season would extend the construction period to 3 to 4 years. The result could be higher bid prices, lack of continuity in construction forces, public unrest with a never-ending project, shorter working days, and significant cost increases for Contractor mobilization.
3. However, it may be possible to stage the construction of some segments of the frontage road and U.S. 93/S.R. 35 intersection outside of the May 15 through Labor Day window. The MDT would consider incentives for early completion of critical work items within the business district.

#2: Comment noted. Business and signage requirements would be detailed in the Construction Sequencing Plan.

#3: The MDT would develop a detailed construction contract. Comment noted. Construction phasing to minimize disruption to businesses would be developed in the construction sequencing plan.

#4: The MDT intends to include businesses in the development and review of construction sequencing plan for S.R. 35. The MDT seeks a good working relationship with the businesses, the Contractor, and the traveling public to insure traffic is expeditiously moved through the construction site without significantly impeding the Contractor's ability to complete the work. The MDT proposes to establish a clear line of communication to resolve conflicts and address issues when they arise.

Comment No. 4

McCURDY LAW FIRM P.C.

Professional Center Building
17 Third Avenue East
Polson, Montana 59860

KEITH W. McCURDY
JAMES RAYMOND
Attorneys and Counselors at Law

Telephone (406) 883-4393
Fax (406) 883-2425

Date Recd Preconst 4-27-01				
Act	Info	MAIL ROUTE	Attach	Initial
	✓	30 Preconst Engr		
		30 Assistant		
		30 Office Mgr		
		31 Safety Mgmt.		
		32 Road Design		
		33 Environment		
		34 Hydraulics		
		35 Survey & Mapping		
		36 Traffic Eng		
✓		39 Consultant Dsn.		
	✓	File		

April 26, 2001

Samuel A. Naseem
Consultant Design Engineer
P.O. Box 201001
Helena, MT 59620

RE: Polson-East (Montana 35)
Environmental Assessment for Public Comment
STPP 52-1(17), UPN 4036

Dear Mr. Naseem:

This will acknowledge receipt of your letter dated April 20, 2001. Thank you for your prompt reply to my letter of April 17, 2001. I have reviewed the Environmental Assessment which was included with your letter of April 20, 2001.

Have plans been made for the taking of Melaine Murray's land which is essentially all the real property on the south side of SR35 between Hart's Land and Haack Road? From the drawing in the EA (figure 2.2-1) this appears to be a significant parcel. It appears from table 3.3-1 that 22 acres of fee land will be taken for the preferred alternative according to draft construction plans. How many acres of the 22 acres are being taken from Ms. Murray's property? Without detailed plans it can not be determined how many feet of Ms. Murray's real property is going to be taken or for what distance. What provision has been made to maintain her access on its existing alignment?

Ms. Murray is not an obstructionist and is not against progress. Her concern is that she does not want to have her lands taken unnecessarily and for purposes which may be fanciful rather than realistic or her access changed or interfered with by the proposed sidewalk. Will you or one of the parties listed on your letter of April 20, 2001 please send to me at your earliest convenience the draft construction plans, including cut, fill and elevation data for that section of the project which involves the taking of Ms. Murray's land?

Sincerely,

McCURDY LAW FIRM, P.C.

Keith W. McCurdy

KWM:kjd

cc: Melaine Murray
Carl S. Peil, P.E., Preconstruction Engineer
Loren F. Frazier, P.E., District Administrator
Joel M. Marshik, P.E., Manager, Environmental Services

RESPONSE TO COMMENT NO. 4

- *McCurdy to Naseem*
- *April 26, 2001*
- *See Comment No. 11 for a written response from Naseem to McCurdy*

The MDT responded to Keith McCurdy's April 26, 2001 request for information on May 9, 2001. See Comment No. 11 for response letter.

Comment No. 5

McCURDY LAW FIRM P.C.

Professional Center Building
17 Third Avenue East
Polson, Montana 59860

KEITH W. McCURDY
JAMES RAYMOND
Attorneys and Counselors at Law

Telephone (406) 883-4393
Fax (406) 883-2425

April 30, 2001

Date Recd Preconst 5-2-01				
Act	Info	MAIL ROUTE	Attach	Initial
	✓	30 Preconst Engr		
		30 Assistant		
		30 Office Mgr		
		31 Safety Mgmt.		
		32 Road Design		
		33 Environment		
		34 Hydraulics		
		35 Survey & Mapping		
		36 Traffic Eng		
✓		39 Consultant Dsn.		
	✓	File		

Samuel A. Naseem
Consultant Design Engineer
P.O. Box 201001
Helena, MT 59620

RE: Polson-East (Montana 35)
Environmental Assessment for Public Comment
STPP 52-1(17), UPN 4036

Dear Mr. Naseem:

I attended the public meeting Thursday, April 26, 2001 and reviewed the drawings. There are many questions which remain unanswered in relationship to the entire project as well as the involvement which it will have with Ms. Murray's real property.

It appeared from the large drawings that the highway grade will be lowered 15' adjacent to Ms. Murray's real property and that the "D" canal will be buried through her land. With regard to the foregoing, will you kindly provide information regarding the following:

1. How many feet (depth) of Ms. Murray's real-estate will it take to accommodate the cut, the shoulder and the sidewalk?
2. How deep will the cut be which is needed to bury the pipeline?
3. What is the width of the taking that will be necessary for the pipeline installation?
4. What is the diameter of the proposed pipeline which will connect the two segments of "D" canal?
5. Will there be an additional taking for a pipeline serving water to the north side of Highway 35?
6. Was a study done to determine the need and necessity for a sidewalk along the south side of the proposed Highway 35 rebuild, extending to Haack Road? If such a study was done, please forward a copy of the same to me for my review. If a study was not done, what is the basis for the taking of the additional real property necessary for the construction of the sidewalk?

RESPONSE TO COMMENT NO. 5

- *McCurdy to Naseem*
- *April 30, 2001*
- *See Comment No. 12 for a written response from Naseem to McCurdy*

The MDT responded to Keith McCurdy's April 30, 2001 request for information on May 9, 2001. See Comment No. 12 for response letter.

Comment No. 5
(Cont.)

All of the foregoing questions deal with Ms. Murray's concern that the taking to accomplish the preferred alternative will be removing irrigated prime farm land from her ownership. Since the time for commenting on the environmental assessment expires May 11, 2001 and the information requested in my letter dated April 26, 2001 and this letter is needed in order to adequately comment on the environmental assessment, I would appreciate a prompt reply to these two letters.

Sincerely,

McCURDY LAW FIRM, P.C.

Keith W. McCurdy

KWM:kjd

cc: Melaine Murray
Carl S. Peil, P.E., Preconstruction Engineer
Loren F. Frazier, P.E., District Administrator
Joel M. Marshik, P.E., Manager, Environmental Services

Comment No. 6

DELANEY & DELANEY
ATTORNEYS AT LAW
SUITE 100
UNIVERSITY PLAZA BUILDING
100 RYMAN
MISSOULA, MONTANA 59802

EDWARD C. MULRONEY (1877-1970)
THOMAS E. MULRONEY (1914-1964)
DEXTER L. DELANEY
BRIAN L. DELANEY, P.C.

MAILING ADDRESS:
P.O. BOX 8228
MISSOULA, MT 59807-8228
TELEPHONE (406) 721-2550
FAX (406) 721-2553

May 2, 2001

Stelling Engineers, Inc.
Suite 206
600 Central Plaza
Great Falls, MT 59401

Attn: Mitchell N. Stelling, P.E., President

Re: *U.S. 93/S.R. 35 Intersection "Preferred Alternative"*

Dear Mr. Stelling:

As I previously advised you, we represent Mr. and Mrs. Jim Ho, owners of the China Garden property lying adjacent to the proposed frontage road of the above-captioned project.

During the meeting in Polson last week, I asked that you provide us with detailed drawings showing the design features of the project as they abut our clients' property. As I mentioned at the meeting, we are particularly interested in knowing the dimensions and locations of curb/sidewalk cuts adjacent to the China Garden building as well as adjacent to the private road accessing the lower level parking lot. In addition, we would like to be advised as to the location of the toe of the fill which will apparently be constructed on a portion of our client's property. Accordingly, I would hope to receive that data extending from the northerly property line of the N.W. Mountain Realty to the southerly point north where the frontage road intersects U.S. Highway No. 93. Any other information you could provide which was not provided in the handouts at the meeting last week would also be appreciated.

Yours truly,

DELANEY & DELANEY

By: Dexter L Delaney
Dexter L. Delaney

DLD/ph
cc: Mr. and Mrs. Jim Ho

RESPONSE TO COMMENT NO. 6
- *Delaney to Stelling Engineers, Inc.*
  - *May 2, 2001*

Stelling Engineers, Inc. responded to Dexter Delaney's May 2, 2001 request for information on May 9, 2001. See Comment No. 14 for response letter.

Comment No. 7

RECEIVED
MAY 07 2001
ENVIRONMENTAL

MASTER FILE
COPY

RESPONSE TO COMMENT NO. 7
- *Stock to Marshik*
- *May 4, 2001*

Frank S. Stock

P O Box 1001
Polson, Montana 59860

Home Phone 883-2642
e-mail <lulus@digisys.net>

May 4, 2001

Mr. Joel Marshik, PE
Manager, Environmental Services
Montana Department of Transportation
2701 Prospect Avenue
PO Box 201001
Helena, Montana 59620-1001

Dear Mr. Marshik;

This letter is to comment on the proposed reconstruction of Montana Highway 35 from the US Highway 93 intersection and extending East 2.8 miles on Highway 35. I did not receive notice of the April 26th meeting at the First Baptist Church for public imput. My neighbor gave me a copy of the Stelling Engineers letter after the meeting. The map inclosed with this letter would be a great improvement on the current highway.	Comment noted.
My concern is on the intersection of Haack Road which is not on the map. I have lived on Haack Road for 25 years. During this time a number of homes were built including the Indian Turtle Lake Community which is also served by Haack Road. In addition, Neil McAlpin is proposing to create another 20 home subdivision and a 5 home subdivision to be served by Haack Road. Another neighbor is considering a subdivision for 4 more homes. As time passes there will be more homes and traffic on Haack Road. Haack Road was paved because of the traffic now and this will only increase.	Comment noted.
I would like to see a right turn lane and a left turn lane at the intersection of Haack Road, Dixon Road and Highway 35. Please refer to the enclosed map for suggestions.	An east bound right turn lane and a west bound left turn lane have been proposed for the turn onto Haack Road from S.R. 35. At the present, traffic counts onto Dixon Lane do not warrant the right and left turn lanes. During design, this area would be reevaluated to assess the potential developments on Dixon Lane. Adequate right-of-way would be acquired to accommodate future left and right turn lane onto Dixon Lane from S.R. 35.
Often when going home I slow to turn off on Haack Road and cars will pass on the right. Normally this is okay but sometimes 4 or 5 cars will be in a line and the front car may be signaling to turn left on Dixon Road and the second car signaling to turn right on Haack Road. The fourth or fifth car does not know the front car is turning left and starts to pass. This is a dangerous situation. The center line in this area permits passing and this should be changed. In addition a left turn lane would make this intersection much safer. In addition a right hand slow down would improve safety, particularly on the Haack Road side because of the heavy traffic turning on to Haack Road.	Comment noted.

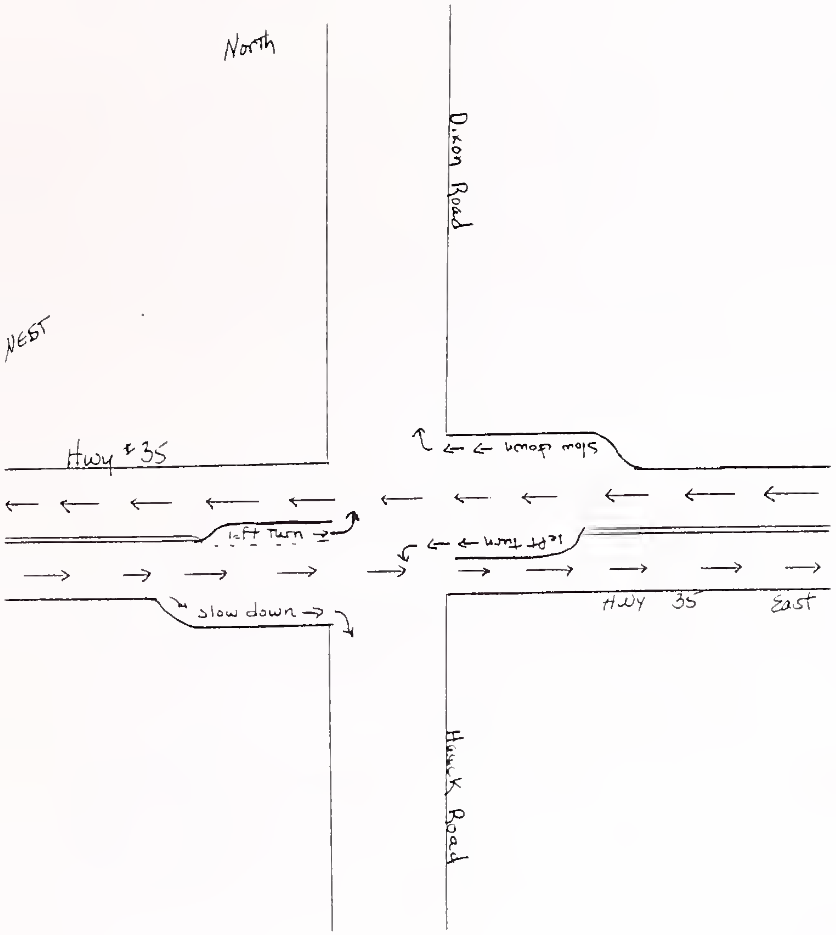
Comment No. 7
(Cont.)

I have also been in a line of cars coming down the East Shore and wanting to turn on Haack Road. I carefully watch the rear view mirror and have been passed while trying to turn left. Haack/Dixon Road intersection needs left hand turn lanes for safety.

The area should also be striped before construction as a no passing zone.

If you have a question about the subject of the letter please contact me at 406-883-2642. Thanks for considering these suggestions.

Sincerely,
Frank S Stock
Frank S. Stock



RESPONSE TO COMMENT NO. 7 (Cont.)

- *Stock to Marshik*
- *May 4, 2001*

Comment noted.

Comment No. 8

RECEIVED
MAY 0? 2001
ENVIRONMENTAL

COMMENT SHEET
(Due by May 11, 2001)

Polson-East (Montana 35)
Environmental Assessment for Public Comment
STPP 52-1(17)0, UPN 4036

I have the following comments on the Montana 35 Environmental Assessment:

my concern DOESNOT have to do with the ENV. Assesment, but a concern of our Drive way being eleminated + consolidated we have 40 veh. a day Leave our driveway and several 40' semi trailers make deliveries + Pick up materials - with the current plans our drive would go away. IN order for our business to ~~so~~ continue - we need our drive way to remain. We Also have a cherry orchard which our turn out is essential for a 2week period to allow our customers access into our stand in order to sell our Fruit.

I like your plan on the new road, but I would like to be contacted to discuss our entry way. please let me know what I can do our who I can contact.

Name: Ken Gochis / Foothills Electric / Gochis orchards
Address: 836 S. Shore Polson 59860
Phone: 406-883-4224 - 883-6816
(The above information is optional)

Use additional sheets if necessary. Please mail written comments on the EA to:

Joel Marshik, P.E.
Manager, Environmental Services
Montana Department of Transportation
2701 Prospect Avenue
P.O. Box 201001
Helena, Montana 59620-1001

RECEIVED
MAY 0 9 2001
STELLING ENGINEERS, INC.

RESPONSE TO COMMENT NO. 8

- *Gochis Comment*
- *May 7, 2001*

The following guidelines (excerpted from Polson-East Access Management Guidelines) would apply to existing accesses on the SR 35 project:

- Existing accesses shall be eliminated if reasonable alternative access to other public roads can be provided.
- Only one access shall be allowed for each individual parcel/property that has no other reasonable alternative access available unless the property owner can demonstrate that additional access provides a significant benefit to the safe operation of the highway.
- Whenever feasible, existing accesses to adjacent properties should be combined into a single, shared access.
- Whenever feasible, existing accesses should be relocated to meet the minimum spacing criteria set forth in these guidelines.
- Whenever feasible, existing accesses should be relocated to align with accesses directly opposite especially in the case of high volume commercial use.
- Existing accesses shall be brought into compliance with MDT approach design standards.
- Consolidation of individual accesses should be encouraged among adjoining property owners.

Under the preferred alternative, one access has been proposed for Foothills Electric. Due to the proximity of an on-site septic system and drainfield, it may not be feasible or practical to consolidate this approach with an adjoining landowner. Under the guidelines the landowner would have to utilize the one proposed approach for access to the cherry stand unless the property owner can demonstrate that additional access provides a significant benefit to the safe operation of the highway.

Comment No. 9

Monday, May 07, 2001

RECEIVED
MAY 1 0 2001
STELLING ENGINEERS, INC.

Stelling Engineers, Inc.
Mitchell Stelling, P.E.
600 Central Plaza, Suite 211
Great Falls, Mt. 59401

RE: State Hwy 35 comments

Dear Mitchell,

Here are some of my comments in writing that we spoke of at the April 26th hearing. My concerns are focused primarily with the area of the Juction of US Hwy 93 and Hwy 35 and how alternative No. 3 as proposed will produce a serious negative effect on my real estate property and the four-plus Lessee's in which it houses. I also see a similar negative effect on the other five or more property owners that are located North of the junction.

First of all the frontage road as it is designed will not work. The roughly 11ft lanes are too narrow for many of the vehicles that will need to access the above mentioned businesses. As I'm sure you are aware many of these businesses are dependent largely upon the vacation travelers for much of their livelihood. Much of the time these travelers are pulling campers, boattrailers or driving motorhomes. Not only will these folks have a difficult time trying to figure out how to get access into our properties/businesses due to a complicated roadway and stringent signage laws, but they will also have a dangerous time trying to negotiate the sharp 90' turns on either end of the proposed frontage road. It will put them into the lane & path of the oncoming traffic. Once they manage to get to our properties/business they will find that they have been curbed and sidewalked out of any chance of a reasonable parking space. In the case of my property/business I would probably lose 10 or more of my 14 parking spaces which will be financially devastating to all concerned.

Of another major concern, don't think for a moment that the locals traveling Southbound on Hwy 93 or toward downtown on 35 won't jump at the chance to speed down the frontage road as a way to beat the junction stop light. This will certainly create a very hazardous situation and there is really no way too effectively police it.

I do believe that your plan does have promise, but it will need modifications. One possibility would require you to work closely with the persons responsible for the Hwy. 93-junction project. As I see it with the possible acquisition of the Dennis Washington railroad right of way, this entire junction project could be moved Southward far enough to alleviate many of the above mentioned concerns of the Northside business owners.

If you decide to proceed with your preferred alternative as-is, the negative impact to the businesses North of the junction won't be in anyway dissimilar to the negative effect that

---

RESPONSE TO COMMENT NO. 9

- *Young to Stelling Engineers, Inc.*
- *May 7, 2001*

The EA Section 2.3 and the response to Comment No. 3 regarding alternatives for the junction, describes the need for a frontage road. In comparison to all other available options, the Preferred Alternative No.3 (frontage road) provides for the greatest positive effect for the following reasons:

1. Under the no-build alternative, access would become more difficult as gridlock increases at the intersection.

2. The frontage road is consistent with the S.R. 35 Access Control Plan.

3. Under the Preferred Alternative No. 3 (frontage road), Northwest Montana Realty would be provided three (3) driveway accesses onto the frontage road and would retain access to the parking area in front of the business. The frontage road would be constructed in lieu of the shared access between China Garden and Northwest Montana Realty as proposed in the current Access Control Plans along U.S. 93. Construction of the frontage road would not create a problem with upcoming plans for access control and widening along U.S. 93 north of the intersection.

4. Preferred Alternative No. 3 (frontage road) proposes to provide for access from both U.S. 93 and S.R. 35, especially during peak traffic conditions. The Preferred Alternative No. 3 would allow for two-way traffic in front of Northwest Montana Realty, an access feature that the business does not currently have.

5. The Preferred Alternative No.3 (frontage road) proposes a southerly shift in S.R. 35 to accommodate a frontage road. The southerly shift in S.R. 35 requires the relocation of Tradewinds Realty and Y Ribs. Businesses in the northeast quadrant of the intersection would likely benefit from the relocation of these businesses because of the increased visibility of the remaining businesses and fewer competing businesses at this location. Motorists traveling north on U.S. 93 will have an unobstructed view of the businesses along the frontage road. Under Alternatives No. 1 and No. 2, the relocation of Tradewinds Realty and Y Ribs Restaurant is not proposed.

Currently, access to Northwest Montana Realty cannot be made directly from U.S. 93 or S.R. 35. The only legal method to access the business is from the northbound right-turn lane from S.R. 35 to U.S. 93. In order to reach the business from U.S. 93, vehicles on U.S. 93 must enter the public right-of-way between China Garden and the northbound driving lane of U.S. 93. From there, motorist travel south against traffic within the public right-of-way to reach Northwest Montana Realty.

Under existing conditions, vehicles parked in front of the business cannot maneuver within the limits of the property to safely exit. Assuming a standard straight-in parking space length of 19 feet, there is approximately 9 feet of private property behind a parking space at the center of the building and 3 to 4 feet of private property behind a parking space at either end of the building. Vehicles backing out of the parking lot must back into the public right-of-way adjacent to the right-turn lane onto U.S. 93. From this point, the motorist will either merge into traffic into the right-turn-lane or travel north in the public right-of-way and enter U.S. 93 near China Garden.

you will have on the business of Tradewinds Realty, Y-Ribs and 4-B's (excepting that hopefully they will be fairly paid for your actions).

You should have an economic impact assessment completed that will show how your plan will financially effect each of the respective businesses. It should take into account the hardship incurred by 2 plus years of road construction/confusion.

The bottom line is that if you are insistent upon building a frontage road then you will need to locate it far enough away from the respective businesses so they will have room to breath. Also please exercise a little more concern for public safety.

Sincerely yours,

Kathleen Young
Kathleen Young

Large vehicles pulling boat and campers, or RVs can legally park on the property if they park parallel to the building and utilize all of the straight-in spaces in front of the building. Their only other option is to park illegally on public right-of-way and block vehicle access to parking in front of the building.

Assuming a standard 9 foot wide parking space, there are potentially 13 parking spaces within the property. This assumes that the MDT is willing to allow vehicles to continue to maneuver within public right-of-way. Without the MDT right-of-way, there are three (3) viable parking spaces on the north side of the building. Under the Preferred Alternative, there would be no change in the available 13 on-site parking spaces. During design, the MDT would consider sharpening the frontage road curve in order to increase separation between vehicles backing out of the parking areas and the driving lane of the frontage road. The MDT would not allow private parking in the public right-of-way. However, the MDT would allow vehicles to back into and maneuver with the public right-of-way to minimize conflicts on the frontage road. Two (2) or three (3) access points along the frontage road could be provided. The location of these access points would be determined during design.

The frontage road would be designed to accommodate the majority of large vehicles including vehicles pulling boats, trailers, and RV's. The width of the lanes would be reviewed during the roadway design to insure they are adequate for the range of vehicles anticipated to use the frontage road. The frontage road connection points to U.S. 93 and S.R. 35 would be a sufficient distance from the S.R. 35/Hwy 93 intersection to improve *accessibility*. The connection points would be lighted, signed, and marked to make these access points clearly visible to the traveling public. A patron who sees this business would now have a chance to legally access this business via U.S. 93 or S.R. 35 without significant out of direction travel or an illegal turn.

The issue of motorists speeding down the frontage road to beat traffic is speculative. The elimination of direct business access from S.R. 35 at the intersection combined with 2-lanes east bound and 2-lanes west bound on S.R. 35 will significantly improve mobility through the intersection. The frontage road would require three relatively sharp turns and a narrower roadway section which inherently slows traffic down. The improved intersection would encourage through travelers to use S.R. 35 and U.S. 93 rather than cutting around the intersection along the frontage road.

The acquisition of the Montana Rail Link Railroad right-of-way would not preclude the need for the MDT to utilize the existing public right-of-way for roadway improvements. The junction cannot be moved southward without causing significant grade changes on U.S. 93, S.R. 35, and the acquisition of the 4B's Restaurant. A shift further south is not practical and would not alleviate access issues with business built in the northeast quadrant of the junction.

The final selection of the Preferred Alternative will not be made by the Federal Highway Administration (FHWA) until after a Final EA is prepared and public and agency comments are received and addressed. A Finding of No Significant Impact (FONSI) would be issued if it is determined that an EIS is not required. The FONSI would document the Preferred Alternative.

Comment No. 10

THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION
P.O. Box 278
Pablo, Montana 59855
(406) 675-2700
FAX (406) 275-2806
E-mail: csktcouncil@cskt.org

Joseph F. Dupuis - Executive Secretary
Vern L. Clairmont - Executive Treasurer
Leon Bourdon - Sergeant-at-Arms

TRIBAL COUNCIL MEMBERS:
D. Fred Matt - Chairman
Jami Hamel - Vice Chair
Carole J. Lankford - Secretary
Lloyd D. Irvine - Treasurer
Darryl A. Dupuis
Margaret Goode
S. Kevin Howlett
Mary Lefthand
Elmer "Sonny" Morigeau
Ron Trahan

Sam Nasem
Fay
5/10/01

Date Recd Preconst
Actg | Info | MAIL ROUTE 5-11-01 | Attach | Initial
✓ 30 Preconst Engr
30 Assistant
30
31 Safety
32 Road Des
33 Environmental
34 Hydraulics
35
36 Traffic Engr
✓ 39 Consultant
✓ File

May 8, 2001

Mr. Joel Marshik
Environmental Services Manager
2701 Prospect Avenue
PO Box 201001
Helena, MT 59620-1001

RE: State Route 35: Polson-East
STPP 52-1(17)0, UPN 4036

Dear Mr Marshik,

The Confederated Salish and Kootenai Tribes (CS&KT) submit the following comments on the Environmental Assessment for STPP 52-1(17)0 Polson-East in Lake County, Montana.

♦Section 2.2 Urban Section Alternatives
The CS&KT support the concept of developing non-motorized use facilities (walkway and bike path).

♦ Section 3.8.1 Water Quality and Irrigation Canals
This section refers to A-1 water quality standards as described in ARM 17.30.622, the Flathead Lake being listed on the Final 303(d) List (DEQ 2000). Section 516 of the Clean Water Act authorized the Administrator of the EPA to treat an Indian Tribe as a State (TAS), for the purpose of title II and Sections 104, 106, 303, 305, 308, 309, 314, 319, 401, [illegible] and 404 of the Act. The Tribes were awarded TAS in 1996. Tribal technical staff will review permits to ensure Tribal water quality standards are upheld, and will be responsible for issuance of 401 Certification for federally permitted discharges into surface waters within the Reservation boundaries.

♦Section 3.9 Storm Water Management
The Tribes would continue to be involved in developing a storm water drainage system that addressed the problems occurring at the Eagle Nest RV Park.

The Tribes support the construction of treatment wetlands, bioswales or other water quality treatment systems to treat storm water. Natural wetlands are not appropriate for storm water treatment and should not be incorporated into any permanent or construction-phase storm water

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RESPONSE TO COMMENT NO. 10
- *CSKT to Marshik*
- *May 8, 2001*

Section 2.2 Urban Section Alternatives

Comment noted. We appreciate the CS&KT's support of the proposed walkway and bike paths.

Section 3.8.1 Water Quality and Irrigation Canal

We recognize that the CS&KT holds TAS status, and will have permitting and review authority for water quality and discharge related permits, given that the project lies within Reservation lands. Consequently applications for appropriate permit would be filed with the CS&KT prior to construction or operation of new facilities that may have potential surface water discharges. For this reason we have been developing alternative drainage management concepts in close consultation with the CS&KT Water Management Program office. Text was added to Section 3.8.1 of the EA Addendum to clarify CSKT and TAS status. Section 3.19 of the EA Addendum discusses permits and CSKT's involvement.

Section 3.9 Storm Water Management

We welcome and will continue to invite the Tribes' involvement in storm drainage planning and design, including provisions related to the Eagle Nest RV Park. As indicated in the June 2000 Preliminary Hydraulics Report, a central storm drain system is proposed along the full length of the urban roadway section and frontage road and would convey all drainage (up to the 10-year design storm) to Station 16+00 for treatment and discharge. This would prevent uncontrolled flows from discharging from the roadway to the Eagle Nest RV Park.

To mitigate water quality impacts from storm drainage, vegetated ditches, detention pond(s) and other water quality treatment systems would be considered during design. Constructed wetlands are disfavored due to their difficulty of construction and perpetuation, plus seasonally limited effectiveness in pollutant attenuation. Natural wetlands were not considered for storm water treatment; in fact, a project goal is to avoid any impacts to existing wetlands. For example, it is for this reason that storm drainage is not proposed to be routed to the natural drainage at Station 39+80 since inventoried wetlands exist downstream in this drainage.

The reference to "natural... wetland fringe areas" at stormwater discharge points, "to further remove pollutants" was deleted from the EA Addendum Section 3.9.2.

Comment No. 10
(Cont.)

treatment design. The Tribes do not support the use of "natural...wetland fringe areas" at storm water discharge points for pollutant removal (storm water mitigation measures-page 46).

Section 3.10 Wetlands
The Environmental Assessment does not indicate if natural wetlands located outside of the right-of-way or construction easements were evaluated to determine indirect impacts resulting from the proposed action. Natural wetlands outside of the ROW and construction easement, that may potentially receive storm water, should be evaluated to determine possible effects from change in flow volumes and flow timing.

♦Section 3.14 Cultural Resources, page 57
This section should reflect the current status, findings, and recommendations of the Cultural resource surveys.

Section 3.18 Secondary and Cumulative Impacts-Construction Activities
The bid package for the project should include details for mitigating construction-phase environmental impacts. Details should include such items as an erosion control plan, storm water management plan, and dust abatement plan. MDT should coordinate with the Tribal Environmental Protection Division to develop a plan for providing construction oversight to ensure compliance with the environmental protection details provided in the bid package.

We look forward to continuing work with the Montana Department of Transportation on this project.

Sincerely,

D. Fred Matt
Chairman, Tribal Council
Confederated Salish and Kootenai Tribes

cc: Loran Frazier, MDT
Janice Brown, FHA

RESPONSE TO COMMENT NO. 10 (Cont.)

- *CSKT to Marshik*
- *May 8, 2001*

Section 3.10 Wetlands

The EA evaluates impacts and mitigation for the Preferred Alternative Area only. However, inventoried wetlands were researched and reviewed, including those outside the construction and right-of-way corridors and documented in the Biological Resources Report (Western Eco-Tech, 2000). The project, including drainage facilities and management of construction practices, is being proposed to avoid direct or indirect impacts to wetlands. As mentioned above, a goal of the storm drainage system configuration and design would be to avoid any change in historic flows (quantity and quality) that would potentially reach existing wetlands. Consequently, historic flow volumes and timing to existing wetlands should remain unchanged by the proposed action. Text was added to EA Addendum Sections 3.9.2 and 3.10 to clarify wetland and storm water issues.

Section 3.14 Cultural Resources, page 57

Comment noted and EA Addendum changed accordingly.

Section 3.18 Secondary and Cumulative Impacts - Construction Activities

Text was added to Section 3.18 of the EA Addendum to clarify that the bid documents would include requirements for the Contractor to prepare, submit, and abide by an erosion control plan, stormwater management plan, and dust abatement plan. The MDT would coordinate with the CS&KT Environmental Protection Division on a methodology for ensuring construction oversight and compliance with those plans, once submitted by the Contractor and approved. It likewise is anticipated that the CS&KT Environmental Protection Division would be one of the reviewing parties for these plans to be submitted by the Contractor.

Century 21

Big Sky Real Estate
PO Box 1027, 19 South Shore Rte
Polson, Montana 59860
Business (406) 883-5387
Business (406) 883-5201
Fax (406) 883-5389
Website www.century21bigsky.com

Comment No. 10A

FHWA
CONFEDERATED SALISH & KOOTENAI TRIBE

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

# of pages ▸ 2	
To Steve [illegible]	From [illegible]
Dept./Agency MDT	Phone #
Fax # 444 6053	Fax #

NSN 7540-01-317-7368 5099-101 GENERAL SERVICES ADMINISTRATION

FHWA
MONTANA DIVISION

May 8, 2001

Joel Marshik, PE
Manager, Environmental Services
Montana Department of Transportation
POB 201001
Helena, Montana 59620-1001

Mr. Marshik:

Please consider this letter additional comment on the proposed Polson-East (Montana 35) environmental assessment.

#1 You will find attached a position statement. I have discussed the project with most of the business people in the area. While there is some disagreement on the preferred alternative all that I spoke with agree with this statement. Briefly, we are a very seasonal community; it would be devastating for us to lose the business from one season. I and those I spoke with believe the attached statement is fair and reasonable.

#2 I noted with appreciation that the EA already addressed some of the issues that I and other business people have brought up. I appreciate listening to our concerns, such as a group of area business people to help guide the planning.

#3 The preferred alternative as drawn does not show where the curb cuts will be. First of all I have been told at meetings and I want to make certain that once completed I will have a curb cut onto my parking lot. Location and good access is key to the success of any business, mine especially. How could the EA measure impacts to businesses without showing where the curb cuts are?

#4 I believe that an EIS is called for. While compared to many projects that MDOT construct this one is small. However, the impacts are significant to this small town and our business community. I do not see how anybody could argue that the impacts are not significant. A small project has significant impacts in a small town.

I appreciate the opportunity to comment.

Sincerely yours,

Each Office Is Independently Owned And Operated

RESPONSE TO COMMENT NO. 10A

- *Smith to Marskik*
- *May 8, 2001*

Item #1: Comment noted. See response to Comment No. 3 for a response to the referenced position statement.

Item #2: Comment noted.

Item #3: Figure 2.3-1 of the EA Addendum has been revised to show the location of proposed access points along the Frontage Road. In the case of Century 21, only one curb cut into the parking lot is shown. Detailed analysis of the area during design may warrant a second curb cut.

Revisions have been made in the EA Addendum, Section 3.14, to further clarify economic impacts on businesses.

Item #4: "The final selection of the Preferred Alternative will not be made by the Federal Highway Administration (FHWA) until after a Final EA is prepared and public and agency comments are received and addressed. A Finding of No Significant Impact (FONSI) would be issued if it is determined that an EIS is not required. The FONSI would document the Preferred Alternative."

Comment No. 11
(Rsp. to Com. No. 4)

MDT serving you with pride
Montana Department of Transportation
2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001
David A. Galt, Director
Judy Martz, Governor

May 9, 2001

RECEIVED
MAY 10 2001
STELLING ENGINEERS, INC.

Keith W. McCurdy
Attorney at Law
Professional Center Building
17 Third Avenue East
Polson, Montana 59860

Subject: STPP 52-1(17)0
Polson – East
C. N. 4036

Dear Mr. McCurdy:

This letter is in response to your April 26, 2001, letter regarding the Polson-East Environmental Assessment. Please find enclosed the following items and response to your questions:

- > Typical Roadway Section
- > Preliminary Plan & Profile (metric scale)
- > Preliminary Construction Plans (metric scale)
- > Preliminary Access Control Plan
- > Preliminary Cross Sections (metric scale)
- > Full-size Plan View (1"=30' scale drawing)
- > Access Control Resolution
- > Access Management Guidelines

Right-of-Way Acquisition

Right-of-way acquisition will not begin until the Environmental Assessment is approved by the Federal Highway Administration and the final plans have been completed and approved by the Montana Department of Transportation. Final plans should be completed during the early winter of 2002. If you have questions regarding the appraisal and negotiation process, please contact Maureen Walsh, Right-of-Way Supervisor, Missoula District at (406) 523-5894.

Anticipated Right-of-Way Needed

Our Consultant, Stelling Engineers, Inc., has estimated that approximately 1.3 acres will be needed for the construction of the roadway. An additional .4 acres will be needed for the reroute of the Polson "D" Canal. The total estimated acquisition is 1.7 acres. The right-of-way plans prepared by Stelling Engineers have not been reviewed or approved by the MDT and are subject to change during the design review process.

Comment No. 11 (Cont)
(Rsp. to Com. No. 4)

Access

On September 28, 2000 the State of Montana Transportation Commission passed a resolution designating MT 35 from Highway 93 to Ducharme Creek (2.8 miles) a controlled access facility. Access Management Guidelines were subsequently approved by the MDT on December 5, 2000. Under the proposed guidelines, "Existing accesses shall be eliminated if reasonable alternative access to other public roads can be provided".

Because of the close proximity of the County Road to the east, it has been proposed to relocate Murry's access to Haack road. Please refer to the attached preliminary access control plan. This plan would eliminate the existing access to MT 35 and require the construction of approximately 360 feet of access road.

Samuel A. Naseem
Samuel A. Naseem, P.E.
Consultant Design Engineer
(406) 444-6256

Attachments

copies: C. S. Peil, P.E., Preconstruction Engineer
J. M. Marshik, P.E., Manager, Environmental Services
L. F. Frazier, P.E., District Administrator – Missoula
S. A. Naseem, P.E., Consultant Design Engineer
Stelling Engineers
Precon File, w/attach

Comment No. 12
(Rsp. to Com. No. 5)

MDT serving you with pride
Montana Department of Transportation
2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

David A. Galt, Director
Judy Martz, Governor

RECEIVED
MAY 1 0 2001
STELLING ENGINEERS, INC.

May 9, 2001

Keith W. McCurdy
Attorney at Law
Professional Center Building
17 Third Avenue East
Polson, Montana 59860

Subject: STPP 52-1(17)0
Polson – East
C. N. 4036

Dear Mr. McCurdy

This letter is in response to the six questions outlined in your letter of April 30, 2001:

1. Approximately 63 feet for a distance of 560 feet will be required to accommodate the cut, the sidewalk, the boulevard, and the roadway shoulder. Cross sections and a typical roadway section were previously sent in response to your April 26th request for information.

2. The flow line (invert) of the pipeline is approximately 913.00 meters (2,994.64 feet) above sea level. The ground elevation above the flow line has a high elevation of 919.20 meters (3,014.97 feet) at Sta. 22+40. The maximum depth of cut needed to bury the pipeline is approximately 20 feet.

3. An additional 33 feet will be needed to accommodate the buried irrigation pipe. This design has not been reviewed or approved by the Department at this time.

4. A 24-inch diameter pipeline is proposed for the reroute of the Polson "D" Canal.

5. A diversion structure will have to be incorporated into the design of the new south side pipeline in order to provide service to the land to the north. While this design has not completed, we do not anticipate an additional right-of-way required for the diversion structure. We should be able to accommodate this work within the 33 feet needed for the 24-inch diameter pipeline.

6. There has been no formal study to determine the need for a sidewalk on the south side of proposed MT 35 to Haack Road. The need for the sidewalk came out of a request from the CSKT to have the MT 35 sidewalk connect to recent road improvements along Haack Road.

Comment No. 12 (Cont)
(Rsp. to Com. No. 5)

Keith W. McCurdy
May 9, 2001
Page 2 of 2

We have had comments from the public, City, and County requesting bicycle trails and pedestrian access throughout the project. In the EA (Section 1.4) we list "Provide facilities for non-motorized travelers along the length of the project" as one of the purposes of this project.

In order to reduce the impacts to the Murray property we have proposed an urban section in lieu of a rural road section similar to the proposed section from Haack Road to Turtle Lake Road. The rural section has been superimposed on the cross section at Sta. 22+40 so that you can see the difference in right-of-way required to accommodate the standard ditch section and cut slope. The use of a rural section would require an additional 30 to 35 feet of right-of-way along the full frontage of the Murray property.

Samuel A. Naseem
Samuel A. Naseem, P.E.
Consultant Design Engineer
(406) 444-6256

copies: C. S. Peil, P.E., Preconstruction Engineer
J. M. Marshik, P.E., Manager, Environmental Services
L. F. Frazier, P.E., District Administrator – Missoula
S. A. Naseem, P.E., Consultant Design Engineer
Stelling Engineers
Precon File

Comment No. 13

McCURDY LAW FIRM P.C.
Professional Center Building
17 Third Avenue East
Polson, Montana 59860

KEITH W. McCURDY
JAMES RAYMOND
Attorneys and Counselors at Law

Telephone (406) 883-4393
Fax (406) 883-2425

May 9, 2001

Samuel A. Naseem
Consultant Design Engineer
P.O. Box 201001
Helena, MT 59620

RE: Polson-East (Montana 35)
Environmental Assessment for Public Comment
STPP 52-1(17), UPN 4036

Dear Mr. Naseem:

This letter is being written to lodge the objection of Melaine Murray to the EA dated March 2001 relative to MTD Project STPP 52-1(17), UPN 4036, notwithstanding the fact that you have, without explanation, failed to respond to my letters dated April 26, 2001 and April 30, 2001.

The EA does not address the impact or provide mitigation for the irrigated prime farm land which would be taken from Ms. Murray and others if this project is completed as proposed. Not only was the environmental impact on Ms. Murray's farm land not considered, it became apparent at the meeting held on April 26, 2001 that the EA as a whole left more questions unanswered than answered. The EA wholly fails to adequately or accurately address the impact on the businesses located at the junction of U.S. Hwy 93 and Montana Hwy 35. It does not address the access to the existing businesses except to indicate that a frontage road will be constructed. There is no provision made in the EA for the runoff that will be generated by the frontage road.

Providing for the construction of a sidewalk and bike path, one on each side of the road, without first studying the need or necessity for such additional taking is irresponsible. There is no justification for the construction of these portions of this project beyond the end of the four lane construction. I have asked but received no reply relating to the impact that relocating "D" canal will have on Ms. Murray's real property. This impact is totally ignored in the EA. One of the stated purposes is to "minimize right-of-way (ROW) acquisition." Taking more land to construct an unnecessary bike bath and sidewalk as well as the taking of land for a 15' cut and for the purpose of relocating "D" canal does not comply with the objective of minimizing right-of-way acquisition.

RESPONSE TO COMMENT NO. 13

- ***McCurdy to Naseem***
- ***May 9, 2001***

"Comment No. 13 dated May 9, 2001 is the 4th letter received from McCurdy Law Firm on behalf of Melaine Murray's property.

Comment No. 1 dated April 17, 2001 is the 1st letter from McCurdy Law Firm .

Comment No. 4 dated April 26, 2001 is the 2nd letter received from McCurdy Law Firm. Comment No. 11 dated May 9, 2001 from the MDT to McCurdy Law Firm is the response to Comment No. 4.

Comment No. 5 dated April 30, 2001 is the 3rd letter received from McCurdy Law Firm. Comment No. 12 dated May 9, 2001 from the MDT to McCurdy Law Firm is the response to Comment No. 5."

Section 3.4 of the EA discussed impacts and mitigation for farmland. Section 3.4.2 of the EA states that "Approximately 4.68 ha (11.57 ac) of potentially prime farmland and 1.57 ha (3.89 ac) of farmland of statewide importance would be converted to non-agricultural uses as a result of the Preferred Alternative. Since the total points for the Preferred Alternatives Site Assessment Criteria (Ref. Farmland Conversion Impact Rating Form #AD-1006 completed in accordance with FPPA-7 U.S.C. 4201, et. seq. included in Appendix B of the EA) are less than 160, no additional consideration for the conversion of important farmlands to non-agricultural uses is required.

Construction would result in short-term economic impacts to local businesses in the project area. The businesses may be affected if visitors to the area begin looking for alternate routes or facilities to use as a result of increasing congestion, delays and interruptions with using the access during construction. Therefore, short-term impacts associated with construction activities may result in short-term revenue loss and customer dissatisfaction. Short-term economic impacts during construction of the Preferred Alternative would partially depend on the timing of construction, length of delays, the locations of detours, and the quality of temporary access provisions. However, it is not anticipated that the Preferred Alternative would substantially affect overall economic trends in the long-term.

In both the short-term and the long-term, the relocation of Tradewinds Realty and Y Ribs would enhance the visibility of businesses along the frontage road to the traveling public. The motorist view of the businesses along the north side of S.R. 35 is partially blocked by Tradewinds Realty and Y Ribs. An enhanced view of these businesses from U.S. 93 and the relocation of Tradewinds Realty and Y Ribs could result in an increase in customer traffic at the remaining businesses.

In the long-term, businesses, private residences, and visitors will benefit from improved roadway safety and mobility as a result of the Preferred Alternative. Temporary construction impacts will include those described above, but access to property along the roadway will be maintained during construction.

Comment No. 13
(Cont.)

Page 2
Samuel A. Naseem Letter
May 9, 2001

Finally, I was city attorney for the City of Polson at the time (probably mid 70's) that the new 12" cast iron main was constructed by the City of Polson east from the city limits to Hellroaring Road. The alignment of this waterline was in, on, upon and near the right-of-way of Montana Hwy 35. There is not one mention anywhere in the EA of the impact or mitigation concerning the relocation of the 12" waterline. Water users along that line will be impacted by the construction. All water users who receive water from the City of Polson system will be impacted by the cost of relocating said waterline.

The EA does not meet even minimum legal standards and appears to have been done prematurely without all of the facts required for a complete evaluation of the environmental impacts which will be created by the proposed project.

Sincerely,

McCURDY LAW FIRM, P.C.

Keith W. McCurdy

KWM:kjd

cc: Melaine Murray
Carl S. Peil, P.E., Preconstruction Engineer
Loren F. Frazier, P.E., District Administrator
Joel M. Marshik, P.E., Manager, Environmental Services

RESPONSE TO COMMENT NO. 13 (Cont.)

- *McCurdy to Naseem*
- *May 9, 2001*

Impacts to businesses will be mitigated through construction sequencing and Contractor incentives for early completion. Text was added to Section 3.14 of the EA Addendum to clarify impacts and mitigation.

Figure 2.3-1 of the EA Addendum has been revised to more accurately project the location of access points along the frontage road.

Text was added to EA Addendum Section 3.9 to clarify the frontage road storm drain system.

One of the purposes of this project is to "Provide facilities for non-motorized travelers along the length of the project". The need for bike trails and sidewalks is well documented through numerous written and verbal public comments throughout the public involvement process (See Appendix C) AND Comment No. 10. Letters from the CSKT, the City of Polson, and Lake County further support the need for pedestrian facilities on this project.

A response regarding relocation of the Polson "D" Canal was presented in Comment No. 12. In Appendix C of the EA, a letter from the Bureau of Indian Affairs to MDT dated February 22, 1999 states *"Rather than simply replacing the open canal along the north side of the road, we could relocate the canal on the south side of the road by excavating through the hill. This alternative requires 1,500 feet of 24" diameter pipe"*.

The existing crest curve just west of Haack Road and in front of the Murray property does not meet design standards. In order to meet standards and provide a safe highway facility, this grade needs to be cut by nearly 15 feet. The final grade would be lower than the Polson "D" Canal. The Polson "D" Canal crosses to the north and then back to the south in this area. In order to keep the Polson "D" Canal on the north, two siphons with depths in the range of 10 feet to 15 feet would be needed. Siphons of this magnitude would be costly and more difficult to maintain.

Land is not proposed to be taken from the Murray property to accommodate a sidewalk. Comment No. 12 explains that an urban section in lieu of the standard rural section has been proposed to minimize right-of-way acquisition in the vicinity of Haack Road. The sidewalk on the south side of the roadway lies within the roadway clear zone. Eliminating the sidewalk would not reduce the limits of construction needed for this project.

Comment noted. Text was added to the EA addendum Section 3.8.1 to discuss the impacts and mitigation for the water line.

"The final selection of the Preferred Alternative will not be made by the Federal Highway Administration (FHWA) until after a Final EA is prepared and public and agency comments are received and addressed. A Finding of No Significant Impact (FONSI) would be issued if it is determined that an EIS is not required. The FONSI would document the Preferred Alternative."

SE **Stelling Engineers, INC.**

• Transportation • Wastewater • Airports • Water • Site Development • Structures •

Engineering
Planning
Consulting

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Elliston Office
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(406) 492-0021
Fax: (406) 492-0031
Email: stelling@blackfoot.net

May 9, 2001

Dexter Delaney
Attorney at Law
University Plaza Building, Suite 100
100 Ryman
Missoula, MT 59801

RE: Polson-East
STPP 52-1(17)0
UPN 4036

Dear Mr. Delaney:

Please find enclosed a preliminary plan view drawing (1"=40' scale) showing the proposed frontage road and property ownerships in the vicinity of the junction with MT 35. The enclosed plan sheet shows the existing right-of-way and property lines in blue.

As I mentioned to you at the meeting and in our phone conversation, we have not completed detailed design drawings at this time. The level of detail that you desire will not be available until after we complete the Environmental Assessment (EA) process. Once the EA is complete, we will begin the detail design and provide you more comprehensive drawings at that time.

Many patrons of these businesses utilize the public right-of-way between the edge of Highway 93 and MT 35 as frontage access and parking. In order to alleviate congestion at the junction and improve access to these businesses, a two-way frontage road has been proposed. Direct access to Highway 93 from China Garden would be eliminated. Instead, the new access point would be located 400 feet north of China Garden on Highway 93. A second access point would be across from the 4-B's Restaurant on MT 35.

In an effort to minimize right-of-way needs, an urban frontage road section with curb and gutter and a sidewalk for pedestrian access is proposed. The five (5) feet wide sidewalk would begin four (4) feet from the property line. Therefore, the back of curb for the frontage road would be nine (9) feet from the property line. A typical frontage roadway section has been enclosed.

With regard to access, the exact location of curb and sidewalk cuts cannot be provided at this time. However, we can see no reason why sufficient lay down curb to allow for parking directly in front of the building and access to the lower parking lot cannot be provided.

With regard to the toe of fill, we have made some preliminary projections based on a 3:1 fill slope without a retaining wall and with a retaining wall. Without a retaining wall and utilizing a 3:1 fill slopes, we would need a width of approximately 90 feet. With a retaining wall, we could narrow the width to approximately 30 to 40 feet. The attached sketch shows the two proposed concepts. We will provide you with additional details as the design progresses.

Sincerely,

Mitch Stelling
Mitchell N. Stelling, P.E.
Stelling, Engineers, Inc. - Great Falls

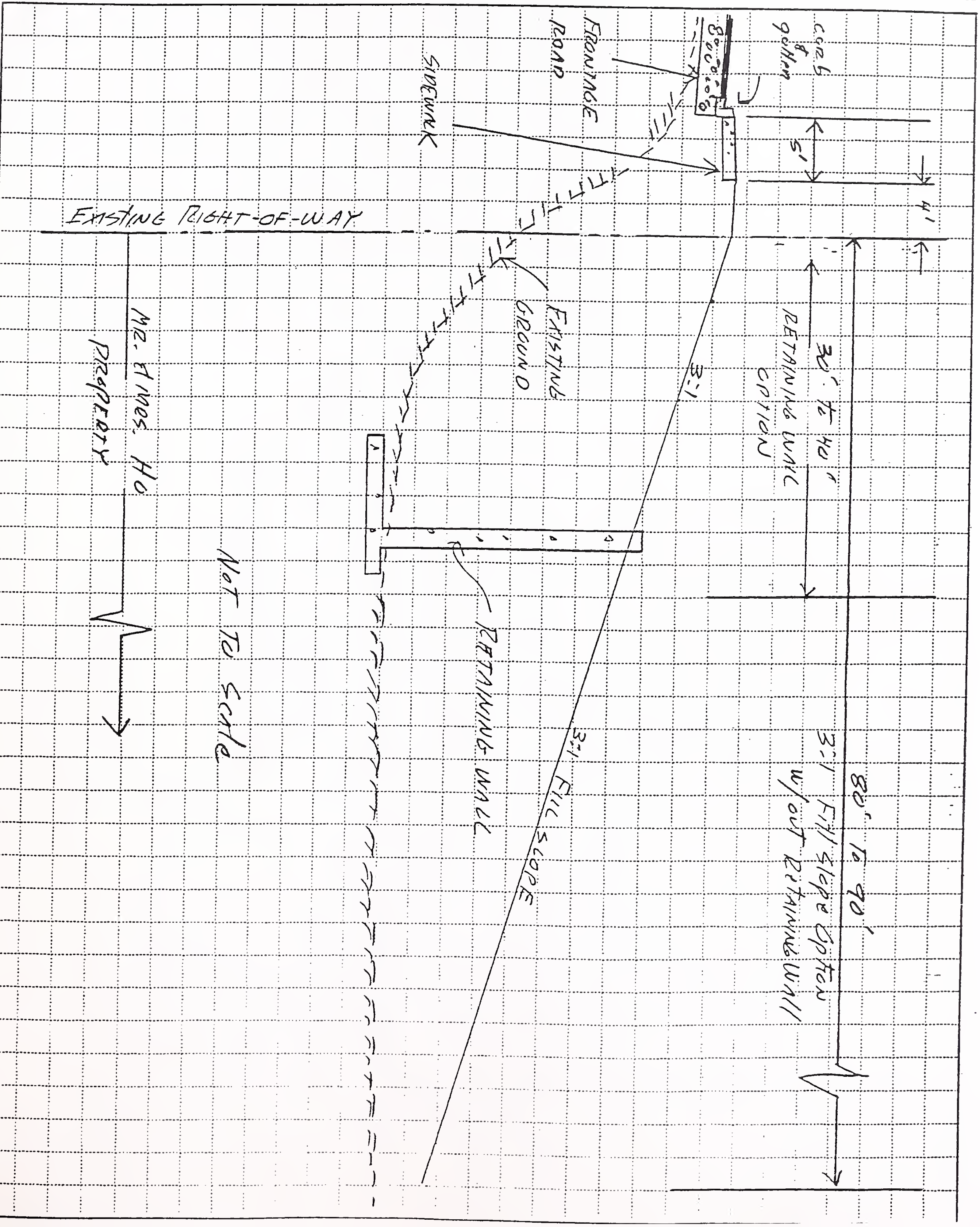
cc: Sam Naseem, MDT, Helena Consultant Design
Loran Frazier, MDT, Missoula District

MNS/cjp

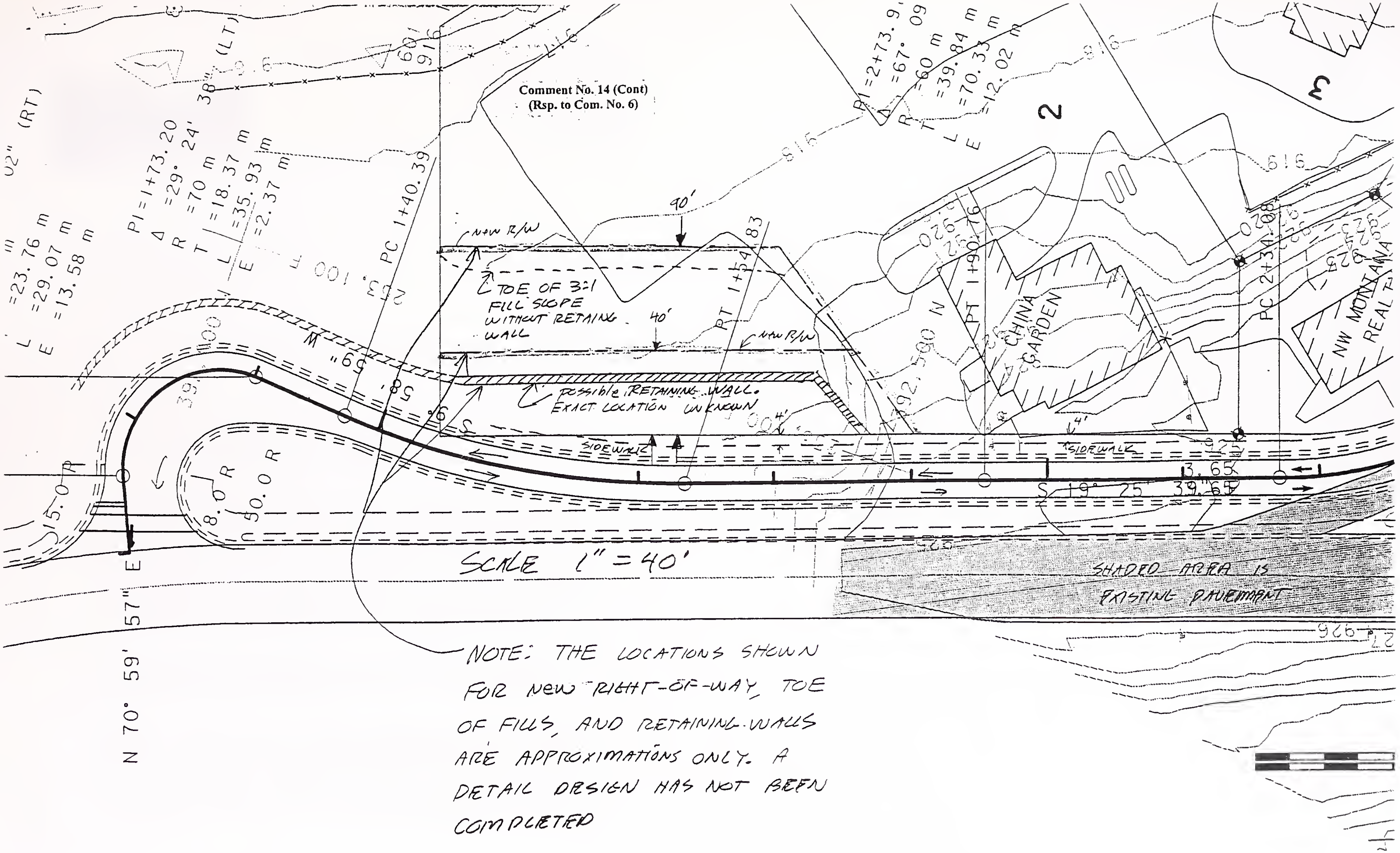
Comment No. 14 (Cont)
(Rsp. to Com. No. 6)

Stelling Engineers, Inc.
Great Falls, Montana 59401
(406) 452-8600

Job Polson East
Job# 9911
Sheet No. 1 of 1
Calculated By Mitch Stelling
Date 5-9-01
Checked By
Date
Subject CHINA GARDEN



Comment No. 14 (Cont)
(Rsp. to Com. No. 6)



NOTE: THE LOCATIONS SHOWN FOR NEW RIGHT-OF-WAY, TOE OF FILLS, AND RETAINING WALLS ARE APPROXIMATIONS ONLY. A DETAIL DESIGN HAS NOT BEEN COMPLETED

MAY-11-01 SAT 1:01 PM LAND SERVICES FAX NO. 1 406 883 7205 P. 1

Comment No. 15

LAKE COUNTY PLANNING DEPARTMENT
106 FOURTH AVENUE EAST
POLSON, MT 59860-2175
planning@lakecounty-mt.org
PH: 406-883-7236
FAX: 406-883-7205

May 11, 2001

Joel Marshik, P.E.
Manager, Environmental Services
2701 Prospect Avenue
P.O. Box 201001
Helena, MT 59620-1001

Re: **State Route 35: Polson – East, Environmental Assessment**

Dear Mr. Marshik:

Having read the Environmental Assessment (EA) for the Polson – East project, I would like to submit a few comments for your consideration. First, I would like to congratulate your staff and consultants for preparing a thorough and well written EA and for listening to and incorporating the desires of the public into the design.

Next, in the *Rural Two-Lane – Standard Shoulders Alternative* portion of Section 2.4.1, the EA states that no turning lanes are anticipated at key intersections based on current traffic projections. I suggest that a turning lane at the Haack Road/Dixon Lane intersection be closely considered. This is based on the recent improvements to the road, which are likely to inspire property development, high recent and projected growth levels along the south shore of Flathead Lake, and conversations between my office and large landowners along Haack Road who are considering or are in the process of subdividing their properties. I have heard mention of a turning lane at this intersection being incorporated into the design but do not see one shown in the EA.

Also, in the urban section of the project, you may want to consider a cross-walk with signal or a sign reminding northbound Frontage Road drivers that bicyclists and pedestrians may be crossing in front of them.

Finally, in Section 3.5.2 under *Visual Resource Mitigation*, the document states that a Preliminary Lighting Plan will be developed that will specify the location, type and pole design which can improve aesthetics and reduce fugitive light. Although it may be too early to specify pole location and design, the Lake County Planning Board asks that all street lights along the project be shielded to prevent light from travelling excessively in lateral directions. As you may be aware, such light can make night driving more

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RESPONSE TO COMMENT NO. 15
- *DeGrandpre to Marshik*
- *May 11, 2001*

Comment noted. An east bound right turn lane and a west bound left turn lane have been proposed for the turn onto Haack Road from S.R. 35. At the present, traffic counts onto Dixon Lane do not warrant the right and left turn lanes. During design, this area would be reevaluated to assess the potential developments on Dixon Lane. Adequate right-of-way would be acquired to accommodate future left and right turn lane onto Dixon Lane from S.R. 35.

Comment regarding cross walk noted. Bicycle and pedestrian crossings would be considered during the design.

Comment No. 15
(Cont.)

RESPONSE TO COMMENT NO. 15 (Cont.)

- *DeGrandpre to Marshik*
- *May 11, 2001*

hazardous (due to glare) and also obliterates views of the night sky. In an attempt to retain part of Lake County's rural character as our population grows, the Planning Board requires that all new subdivisions incorporate such shielded lighting provisions into their covenants. Similarly, the Board asks for your assistance in the area under your jurisdiction. Thank you for your consideration and good luck with the project.

Respectfully,

Dave DeGrandpre

Dave DeGrandpre
Director

Comment noted.

Comment No. 16

COMMENT SHEET
(Due by May 11, 2001)

Polson-East (Montana 35)
Environmental Assessment for Public Comment
STPP 52-1(17)0, UPN 4036

I have the following comments on the Montana 35 Environmental Assessment:

Relative to Polson City Water MAINS that run down the highway. Please plan to allow for water stubs to the edge of the highway on "all" adjacent property. It will insure the highway is not dug up later to repair a residential access to water, or to hook up a residence later.

Thanks — great Job! Tonight!

Name: Duane Lutke
Address: 748 So Shore, Polson
Phone: 883-2852

(The above information is optional)

Use additional sheets if necessary. Please mail written comments on the EA to:

Joel Marshik, P.E.
Manager, Environmental Services
Montana Department of Transportation
2701 Prospect Avenue
P.O. Box 201001
Helena, Montana 59620-1001

RESPONSE TO COMMENT NO. 16
- *Lutke Comment*
- *May 11, 2001*

Comments noted. The City of Polson is prepared to redesign the watermain and the comment will be given to the Public Works Director. Text was added to the EA Addendum, Section 3.8.1 to discuss the impacts and mitigation for the water line relocations.

Comment No. 17

COMMENT SHEET
(Due by May 11, 2001)

Polson-East (Montana 35)
Environmental Assessment for Public Comment
STPP 52-1(17)0, UPN 4036

I have the following comments on the Montana 35 Environmental Assessment:

I feel that the 40 feet of total space between the road and bike lane is excellent. You don't want 10 yr olds riding or walking near ~~B~~ vehicles going 50 m.p.H.

Thanks.

Name: Kai Smith

Address: 412 South Finley Pt.

Phone: 887-2081

(The above information is optional)

Use additional sheets if necessary. Please mail written comments on the EA to:

Joel Marshik, P.E.
Manager, Environmental Services
Montana Department of Transportation
2701 Prospect Avenue
P.O. Box 201001
Helena, Montana 59620-1001

RESPONSE TO COMMENT NO. 17

- *Smith Comment*

Comment noted.

Comment No. 18

DELANEY & DELANEY
ATTORNEYS AT LAW
SUITE 100
UNIVERSITY PLAZA BUILDING
100 RYMAN
MISSOULA, MONTANA 59802

EDWARD C. MULRONEY (1877-1970)
THOMAS E. MULRONEY (1914-1984)
DEXTER L. DELANEY
BRIAN L. DELANEY, P.C.

MAILING ADDRESS:
P.O. BOX 8228
MISSOULA, MT 59807-8228
TELEPHONE (406) 721-2550
FAX (406) 721-2553

May 16, 2001

Stelling Engineers, Inc.
Suite 206
600 Central Plaza
Great Falls, MT 59401

Attn: Mitchell N. Stelling

Re: *U.S. 93/S.R. 35 Intersection "Preferred Alternative"*

Dear Mr. Stelling:

Thank you for your recent letter which included those drawings and sketches to which you therein referred. When the decision is finally made as to the location of the curb cuts and the toe of the fill north of our client's building, we would appreciate receiving revised drawings or plans.

Again, thank you for your timely response.

Yours truly,

DELANEY & DELANEY

By: Dexter L Delaney
Dexter L. Delaney

DLD/ph

cc: Mr. and Mrs. Jim Ho

RECEIVED
MAY 1 7 2001
STELLING ENGINEERS, INC.

RESPONSE TO COMMENT NO. 18
- *Delaney to Stelling Engineers, Inc.*
- *May 16, 2001*

Comment noted.

Comment No. 19

McCURDY LAW FIRM P.C.
Professional Center Building
17 Third Avenue East
Polson, Montana 59860

KEITH W. McCURDY
JAMES RAYMOND
Attorneys and Counselors at Law

Telephone (406) 883-4393
Fax (406) 883-2425

May 21, 2001

Samuel A. Naseem
Consultant Design Engineer
P.O. Box 201001
Helena, MT 59620

RE: Polson-East (Montana 35)
Environmental Assessment for Public Comment
STPP 52-1(17), UPN 4036

Dear Mr. Naseem:

Thank you for your letters of May 9, 2001 which were received in my office May 10, 2001 together with the enclosures. In reviewing the preliminary access control plan dated May 7, 2001, the plan view does not begin to tell the whole story. At the point the proposed Murray access intersects Haack Road there is at least a 4' elevation differential unless the grade of Haack Road is raised as part of the Montana Hwy 35 project. The plan view indicates a very narrow access road which will create a snow drifting problem in the winter because of its east-west direction. If the road is brought down to the grade of the existing road at the point of intersection of Haack Road it is further in my opinion that it will be impossible for a vehicle leaving the Murray property to visualize vehicles on Hwy 35 which are traveling in an easterly direction. This obviously creates an extreme hazard which does not now exist with the current north-south access road.

A further concern in reviewing the plans is the fact that virtually all of the mature conifers will have to be removed to accommodate the additional width planned for Hwy 35. It will take another 80-90 years to grow trees as large as the ones being removed. They provide tremendous sound deading from the highway traffic. With the proposed highway right-of-way being approximately 33' from Ms. Murray's front door, the removal of the protection against noise and visual pollution exacerbates the taking of her land.

RESPONSE TO COMMENT NO. 19
- *McCurdy to Naseem*
- *May 21, 2001*

The preliminary Access Control Plan submitted to McCurdy on May 9, 2001 was preliminary and did not reflect a detailed analysis of each individual access and associated grades. Instead, this plan reflected a preliminary layout of access points in conformance to the Access Management Guidelines developed for SR 35. The level of detail analysis needed for each approach would not be completed until the environmental process is complete and the design process is authorized to proceed.

McCurdy's points with regard to access onto Haack Road from the Murray residence are noted. It may not be practical or feasible to have this access connect to an adjoining public road without compromising safety and access to the property. Perpetuating the existing access point would be considered during the design should the proposed project proceed.

Several mature conifers are located within existing MDT right-of-way from Sta. 23+90 RT to 24+25 RT and Sta. 24+60 RT to 24+80 RT. Conifers located within the existing highway right-of-way would most likely be removed to accommodate the needed roadway improvements. It may be possible to salvage several of the trees directly in front of the residence. The exact limits of construction and tree removal requirements would be determined during design. The removal of trees would be negotiated by the MDT Right-of-Way Bureau.

Comment No. 19
(Cont.)

The impact of the removal of the trees can be significantly reduced if the sidewalk and bike path are eliminated from this area of the highway reconstruction. Simply because the Confederated Salish Kootenai Tribe want a sidewalk is neither the sufficient reason nor justification for the taking of Ms. Murray's land for this purpose. There is no demonstrated need or necessity for the sidewalk.

Sincerely,

McCURDY LAW FIRM, P.C.

Keith W. McCurdy

KWM:kjd

cc: Melaine Murray
Carl S. Peil, P.E., Preconstruction Engineer
Loren F. Frazier, P.E., District Administrator
Joel M. Marshik, P.E., Manager, Environmental Services

RESPONSE TO COMMENT NO. 19 (Cont.)

- *McCurdy to Naseem*

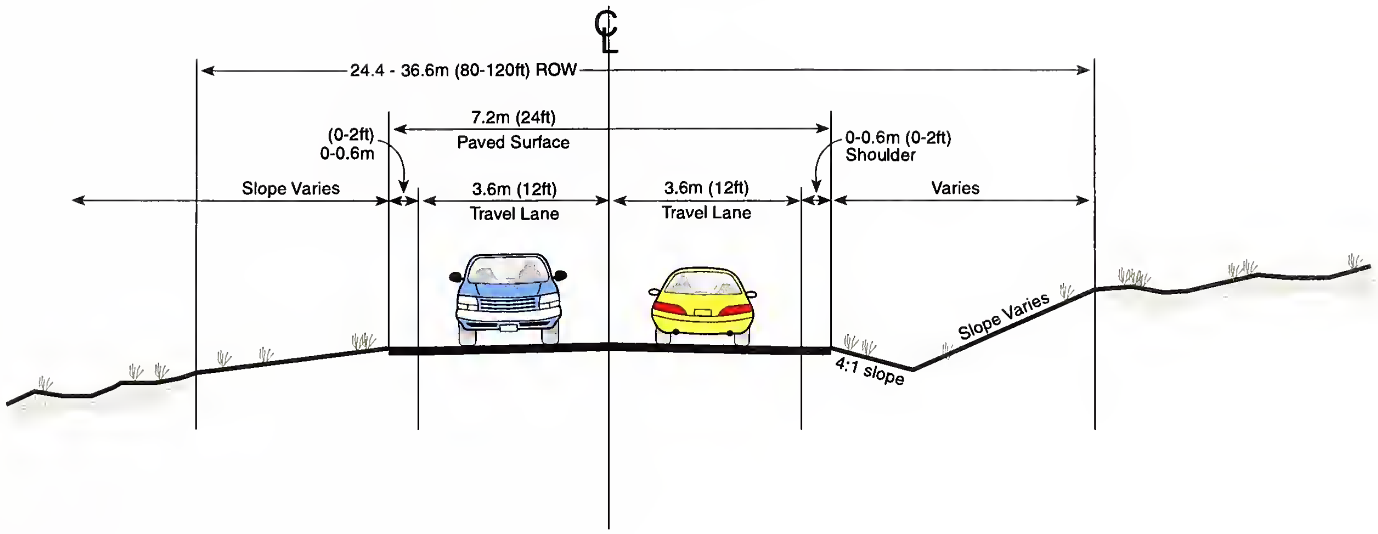
May 21, 2001

The proposed sidewalk is located within roadway clear zone. This roadside border area, starting at the edge of the travel way, is available for safe use by errant vehicles. Eliminating the sidewalk would not reduce the need to provide the minimum distance required for vehicle recovery between the toe of the cut slope and the edge of the travel lane. Eliminating the sidewalk would not reduce the impacts to trees. Also, see final response in Comment No. 12.

Addendum to the Environmental Assessment
for
STPP 52-1(17)0
Polson-East
P.M.S. Control No. 4036

Existing Cross Section

S.R. 35/U.S. 93 Intersection (MP 0.0)
to Ducharme Creek (MP 2.8)



Existing Cross Section
Near Heritage Drive (MP 0.2)

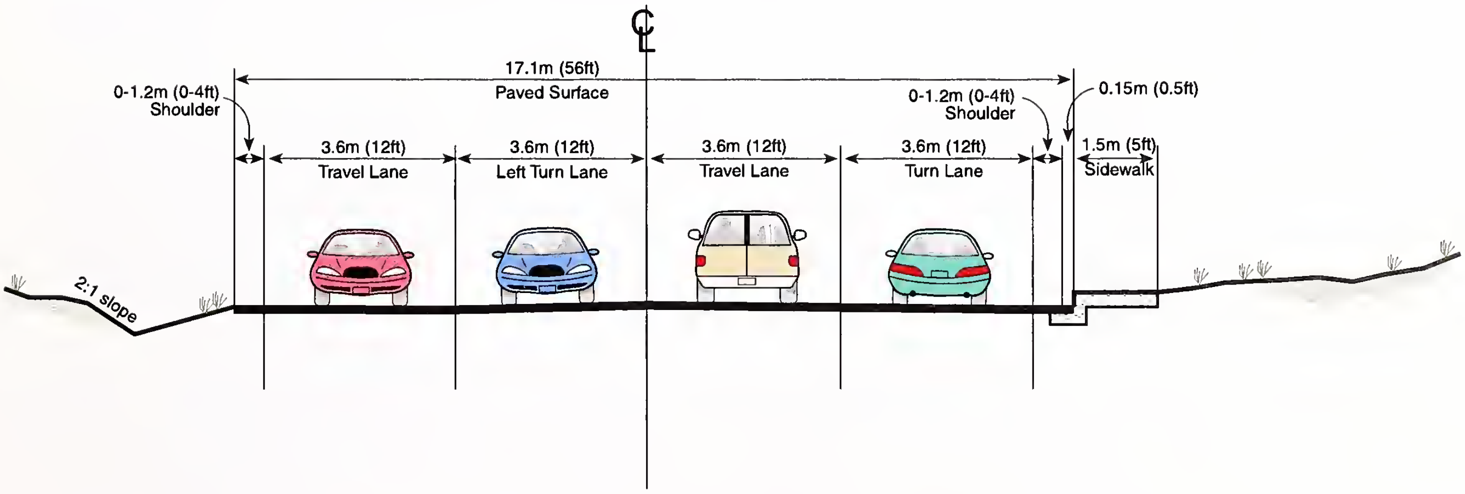


Figure 1.2-1
Existing Road Cross-Sections

2.0 ALTERNATIVES

National Environmental Policy Act (NEPA) guidance from the Council on Environmental Quality (CEQ) and Federal Highway Administration (FHWA) guidelines for NEPA actions require the identification and evaluation of all reasonable alternatives and the "No-Action" alternative. Reasonable alternatives are defined by NEPA as those which are technically, environmentally, and economically practical and feasible.

2.1 Alternatives Development

This preliminary draft EA describes and evaluates a range of alternatives that were determined to be reasonable, and recommends a Preferred Alternative. However, the final selection of a Preferred Alternative will not be made by the FHWA until after public and agency comments are received and addressed and a final EA is prepared. A Finding of No Significant Impact (FONSI) will be issued if it is determined that an Environmental Impact Statement (EIS) is not required. The FONSI will document the Preferred Alternative.

Primary criteria used to determine whether or not a design alternative met the Purpose and Need for the project and should be advanced for further study in the EA included the following:

- Does it resolve roadway deficiencies?
- Does it conform to MDT's Route Segment Plan?
- Will it incorporate the access control objectives?
- Does it improve non-motorized travel?
- Does it significantly impact ROW requirements?
- Does it conform with public input?
- Does it cause negative environmental, socioeconomic, or land use impacts?

A number of alternatives for improvement to S.R. 35 were developed and considered as an element of this EA process. Alternatives for the proposed roadway improvements were identified for both rural and urban portions of the corridor because of the varying road usage along the roadway project length. The urban section, characterized by high demand for local access and slower operating speeds, extends from the project start at MP 0.0 for the first 2.5 km (1.6 mi) east. The rural section, which experiences higher travel speeds and fewer turning vehicles due to fewer driveways, includes the remaining eastern portion of the project.

S.R. 35 is classified as a minor arterial with characteristics of both urban and rural roadways. Roadway design for this type of arterial varies between urban and rural land uses to meet the needs of travelers. Urban roadways typically operate at lower speeds allowing greater access (more driveways and associated turning movements) while overall through traffic flow has a lower priority. In rural sections, roads typically operate at higher travel speeds, which provide increased mobility with less access to adjoining land uses. Currently, S.R. 35 provides both regional mobility and local access. S.R. 35 is the regional roadway connection to the east and north, an important recreational and business roadway link.

Project limits were established at the junction with U.S. 93 and at MP 2.8. Milepost 2.8, the eastern terminus, was established to ensure that any improvements (if constructed) would terminate prior to Fulkerson's Corner, a sharp roadway curve to the north with a low design speed and unique environmental conditions. To ensure safety of the traveling public, vehicle speeds need to be decelerating prior to entering this curve, so that drivers recognize changing roadway conditions. Ending the project limit just west of and prior to Ducharme Creek allows for an appropriate transition to the existing roadway and does not terminate the roadway project within the environmentally sensitive area encompassing Ducharme, Moss, and Centipede creeks (see Figure 1.1-1).

Project build alternatives will be designed to minor arterial roadway guidelines for both rural and urban sections, in accordance with MDT Geometric Design Standards. Design speed is the maximum safe speed that can be maintained over a specified section of highway when conditions are so favorable that the design features of the highway govern. MDT has proposed that the urban roadway reconstruction provide a 70 kilometer-per-hour (kph) (44 mph) design speed, while the rural roadway section would provide a 90 kph (55 mph) design speed.

2.2 Urban Section Alternatives

MDT standards for lane widths in the urban section are 3.6 m (12 ft) travel lanes, 4.2 m (14 ft) two-way-left-turn-lane (TWLTL), 3.6 m (12 ft) turn lanes, 0.6 m (2 ft) inside and outside shoulders, 0.6 m (2 ft) curb and gutter and minimum 1.6 m (5 ft) sidewalks. The proposed design speed of 70 kph (44 mph) for the urban section will be maintained. Based on public and agency comments received during the initial stage of the project design, urban reconstruction will provide non-motorized use facilities (sidewalk and bikepath) and storm water management.

The urban reconstruction will include improvements to the U.S. 93/S.R. 35 intersection, currently a signalized, skewed intersection with a steep grade on the S.R. 35 east approach. Any improvements are limited to S.R. 35 reconstruction only and will not address deficiencies on U.S. 93 which is outside the scope of this project.

The CSKT recently completed improvements to Haack Road, located at approximate MP 1.6. The improved Haack Road provides a paved, two-lane road with a curb and gutter section along with a sidewalk along the west edge. Haack Road connects to the Turtle Lake Subdivision and other housing units south and east of the S.R. 35 project. These improvements, combined with additional residential development, are expected to attract travelers to Polson via Haack Road. The sidewalk development along Haack Road also provides an important pedestrian link from residential land uses to S.R. 35, the major transportation corridor in the area. Any No-Build or Build alternatives will utilize the completed Haack Road. Based on these standards and suggestions, the following alternatives were carried forward for the urban corridor.

2.2.1 Urban Alternatives Advanced

No-Action Alternative

The No-Action Alternative will provide no improvements to the existing roadway cross-section. Roadway maintenance will continue to be provided. Access control would not be applied to the project.

Three-Lane Urban Alternative With Frontage Road and With Auxiliary Lane

This alternative includes one 3.6 m (12 ft) travel lane in each direction with a 4.2 m (14 ft) TWLTL transitioning into a left turn lane at major intersections. Major intersections are identified by traffic volumes and include U.S. 93, Frontage Road, Heritage Drive, Eagle Nest RV Road and Hawk Drive, (Figure 2.2-1). This alternative maximizes safe turning opportunities into and out of driveways throughout the urban section~~ while lessening the ROW requirements~~. Access control will be applied to improve traffic flow and maximize safe turning opportunities. The introduction of a TWLTL introduces a turning lane for both directions of travel, which may introduce some vehicle conflicts due to the overlapping access locations. Right turning vehicles may slow through traffic operations due to their deceleration in the through travel lane while preparing for the turning maneuver.

This alternative would provide increased capacity for left turning vehicles. However, potential vehicle conflicts for right turning vehicles still exist while they are turning from the through travel lanes. This alternative includes a 1.6 m (5 ft) paved sidewalk on the south side of S.R. 35 and a 3.0 m (10 ft) paved bikepath on the north side of S.R. 35 with 2.0 m (6.6 ft) buffer zones between the roadway and sidewalk/bikepath. The Three-Lane Urban Alternative would meet the Purpose and Need of the project as described in Section 1.4, including minimizing environmental impacts.

2.2.2 Urban Alternatives Considered but Not Advanced

The following four alternatives for the urban section were considered, but dismissed because each failed to meet one or more key elements of the project Purpose and Need as explained under each alternative. Urban alternatives considered but not advanced are shown in Figure 2.2-2.

Four-Lane Urban Alternative

This option would provide two 3.6 m (12 ft) travel lanes in each direction. Turning maneuvers would occupy the through travel lanes for both right and left turning vehicles. Through vehicles, however, would have the opportunity to travel around turning vehicles in the second through lane. A separate 3.6 m (12 ft) left turn lane would be provided at Heritage Drive, requiring five full lanes at that intersection. Access control would be applied to improve traffic flow and maximize safe turning opportunities.

Although this option would provide increased through and turning capacity, it would also require additional ROW. Parking at roadside businesses and driveways would be impacted. Pedestrians crossing S.R. 35 would have a large expanse of pavement to cross, especially at Heritage Drive. This alternative fails to meet the Purpose and Need of the project: to minimize ROW and environmental impacts.

Five-Lane Urban Alternative

A five-lane alternative would provide two 3.6 m (12 ft) travel lanes in each direction plus a 4.2 m (14 ft) TWLTL. Access control would be applied to improve traffic flow and maximize safe turning opportunities. This alternative provides the most vehicle capacity and maintains full turning movements in and out of access points.

This option would require the greatest amount of additional ROW and have the greatest impact to adjacent properties along the roadway, thereby failing to meet the Purpose and Need for the project. Parking at roadside businesses and driveways would be significantly impacted. Pedestrians crossing S.R. 35 would have a large expanse of pavement to cross.

Combination Three/Four-Lane Urban Alternative

Combinations of the three-lane and four-lane alternatives could also be considered for the project. One option, a four-lane roadway from U.S. 93 to Heritage Drive would provide some consolidation of access points near the U.S. 93 intersection. The four-lane would then transition to a three-lane option to maintain the majority of the existing access points. The three-lane would then transition to match the rural section.

This alternative would provide increased vehicle capacity, especially at the U.S. 93 intersection. Left turn movements to and from driveways would be accommodated outside the through travel lanes. ROW and businesses would experience some impacts, particularly west of Heritage Drive. Pedestrians would require increased crossing time across S.R. 35.

Realignment of S.R. 35 Alternative

This alternative will modify the U.S. 93/S.R. 35 intersection by realigning S.R. 35 and introducing a Frontage Road in the northeast quadrant, as shown in Figure 2.3-1. The realignment of S.R. 35 improves traffic operations at the signalized intersection by reducing the steep grade on the east leg and by reducing the intersection angle and providing additional turn lanes. The Frontage Road, which introduces access control by providing driveway access off the main thoroughfare, also allows the vertical grade of S.R. 35 to be reduced.

The realignment proposes removal and consolidation of all S.R. 35 private accesses within 200 m (650 ft) of U.S. 93, except the 4Bs Restaurant access. The Tradewinds Realty and Y Ribs properties along the south side of S.R. 35 will be purchased according to applicable law, and the accesses along the north side of S.R. 35 will be relocated onto the Frontage Road.

The Frontage Road would begin 190 m (600 ft) east of the U.S. 93/S.R. 35 intersection along the north side of S.R. 35 and would end approximately 245 m (800 ft) north of the intersection along the east side of U.S. 93. One business (China Garden) along U.S. 93, one business (Northwest Montana Realty) adjoining the S.R. 35/U.S. 93 right turn lane, and three businesses (Frosty's Drive-in, Century 21, and Super 8 Motel) along S.R. 35 would lose direct access to the main thouroughfare. Driveway accesses to the Frontage Road would be provided as described in Table 3.6-3 and presented on Figure 2.3-1.

The Frontage Road along U.S. 93 would be constructed in lieu of the shared access between China Garden and Northwest Montana Realty as proposed in the current Access Control Plans along U.S. 93. Construction of the Frontage Road would not create a problem with upcoming plans for access control and widening along U.S. 93 north of the intersection. The selected Frontage Road alternative has been coordinated with the developers of the Access Control Plans along U.S. 93.

The realignment of S.R. 35 to accommodate the Frontage Road and needed driving lanes requires the relocation of Tradewinds Realty and Y Ribs. The elimination of these two business access points would enable MDT to construct two eastbound lanes along S.R. 35 through the more congested area past Heritage Drive. Without the elimination of these two business access points, only one eastbound lane could be provided, otherwise hazardous lane changes or weaving would take place to reach Y Ribs and Tradewinds Realty. Two lanes are warranted for the current and projected traffic conditions.

Eastbound S.R. 35 will require two travel lanes to ensure adequate space for future traffic operations at the signalized intersection of S.R. 35/U.S. 93. The eastbound, right travel lane of S.R. 35 from the U.S. 93 intersection serves as an auxiliary lane for turning vehicles, and will extend until an appropriate lane drop is designed. The S.R. 35 westbound travel volumes at U.S. 93 will require a separate right and left turn lane. Pedestrian crossing times of S.R. 35 will be reduced at the signalized, U.S. 93 intersection and pedestrian facilities will be introduced along both sides of the Frontage Road.

Additional ROW requirements would result from all alternatives, except the No Action. This alternative has been proposed to enhance roadway safety and is consistent with project access control guidelines for both S.R. 35 and U.S. 93. This alternative provides a 3.0 m (10 ft) bikepath on the north side of S.R. 35.

2.3.2 U.S 93/S.R. 35 Intersection Alternatives Considered But Not Advanced

The following two alternatives for the intersection were considered but not advanced. A general description of each alternative is provided, with reasons given for its dismissal.

Existing Alignment Alternative

This alternative retains the existing intersection configuration as shown in Figure 2-3.2A. The only change from existing conditions would be the addition of a separate, right turn lane on S.R. 35 approaching U.S. 93, enabling left and right turning vehicles to proceed separately. However, only one eastbound lane would be provided on S.R. 35, because two lanes are not permitted due to the proximity of the Y Ribs and Tradewinds Realty accesses. All existing driveways on S.R. 35 would be retained. Access to businesses along U.S. 93 (Northwest Montana Realty and the China Garden Restaurant) would not be granted from S.R. 35 but would be consolidated on U.S. 93.

The steep grade on the westbound (S.R. 35) approach would not be changed, although addition of another (westbound) lane would allow vehicles to travel around stalled vehicles during emergency conditions. Future U.S. 93 improvements would require additional construction on S.R. 35 to maintain travel flow. Pedestrian crossings and driver visibility at the signalized intersection would not be improved.

This alternative was not advanced, because only minimal improvements to existing conditions are provided with the addition of an S.R. 35 turn lane and the construction of sidewalks. No improvements to traffic flow, driver visibility, pedestrian crossing, or limiting turns in the proximity of the intersection are provided. ~~No access control would be provided.~~

Existing Alignment With Raised Median Alternative

This alternative provides two travel lanes in each direction on S.R. 35, on the existing alignment, with a raised median separating opposing travel directions as shown in Figure 2.3-2B. The raised median would ensure that no left turns occurred in the intersection area, thereby limiting access and reducing accident potential. The raised median would provide some access control by prohibiting left turns. The loss of left turn access to individual businesses would not be replaced.

This alternative would eliminate direct access from S.R. 35 to Century 21 Real Estate. Access to Century 21 would be consolidated with the access to the Super 8 Motel. Access to Northwest Montana Realty and the China Garden Restaurant would be provided from U.S. 93. The Raised Median Alternative would require significant out-of-direction travel for vehicles trying to reach Century 21, Super 8, Y Ribs, Tradewinds Realty, and Frosty's, and it would not be possible to make left turns to reach those businesses. Also, only one eastbound lane on S.R. 35 would be provided, which would not meet projected traffic requirements.

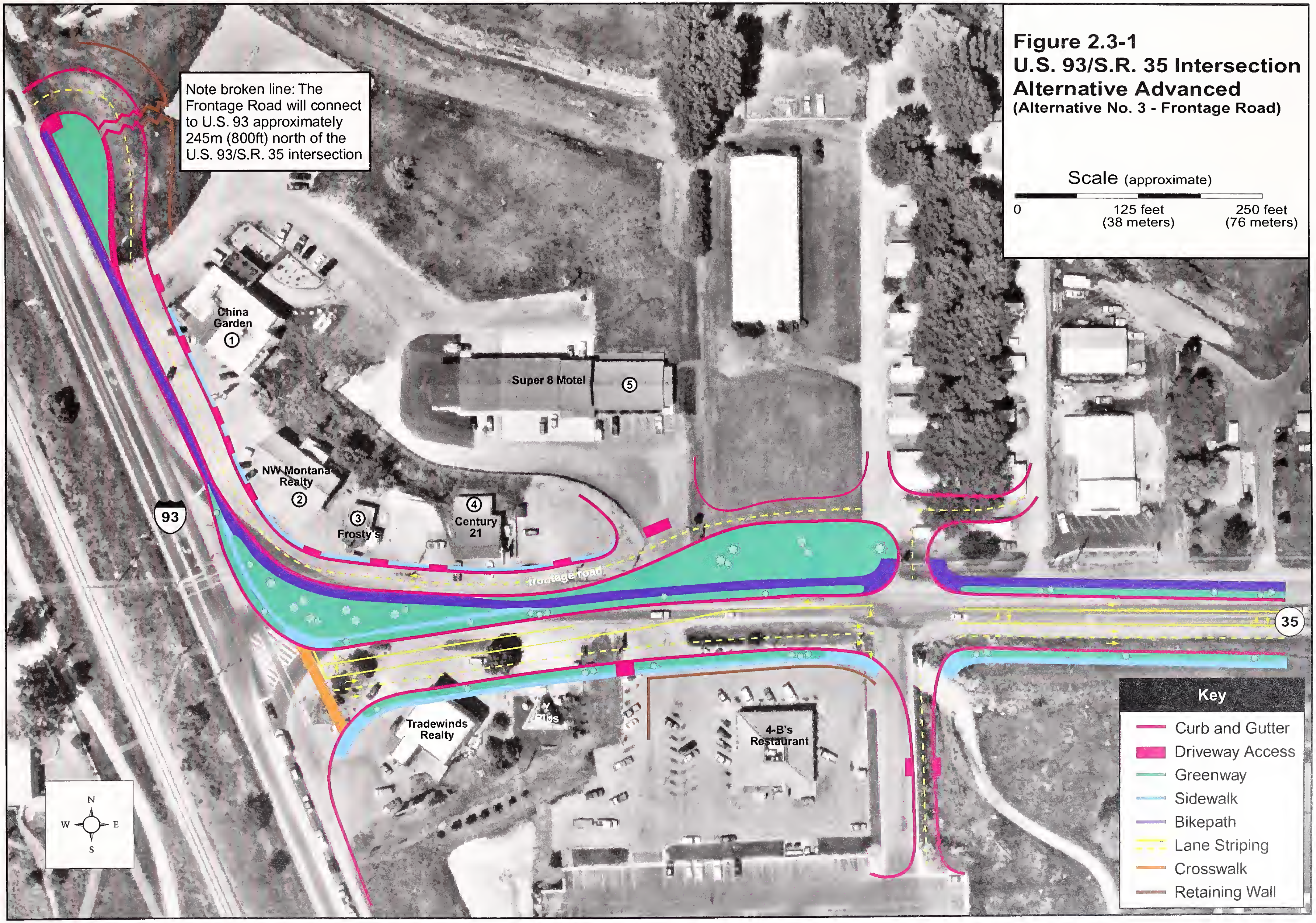


Figure 2.3-1
U.S. 93/S.R. 35 Intersection
Alternative Advanced
(Alternative No. 3 - Frontage Road)

Note broken line: The Frontage Road will connect to U.S. 93 approximately 245m (800ft) north of the U.S. 93/S.R. 35 intersection

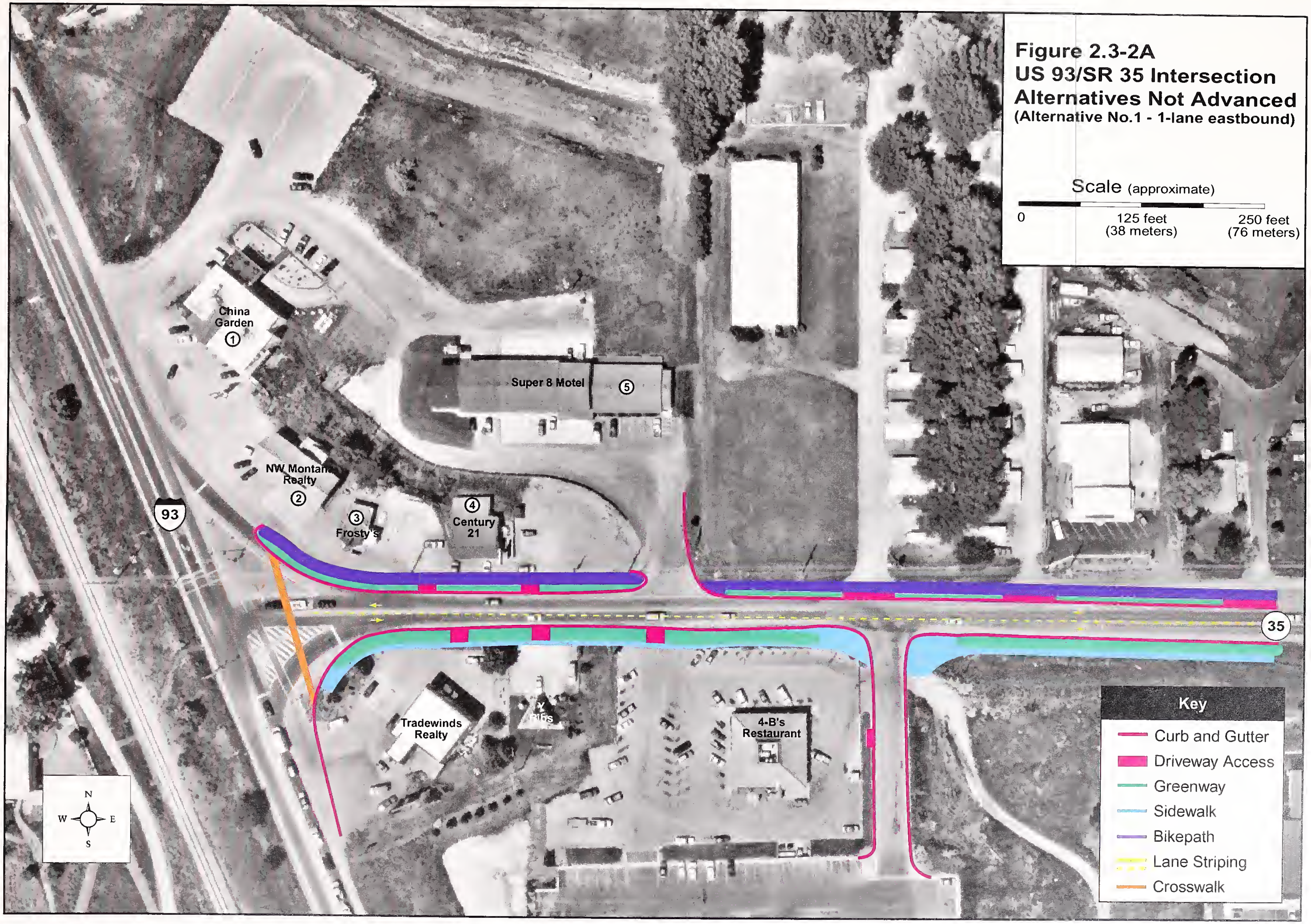
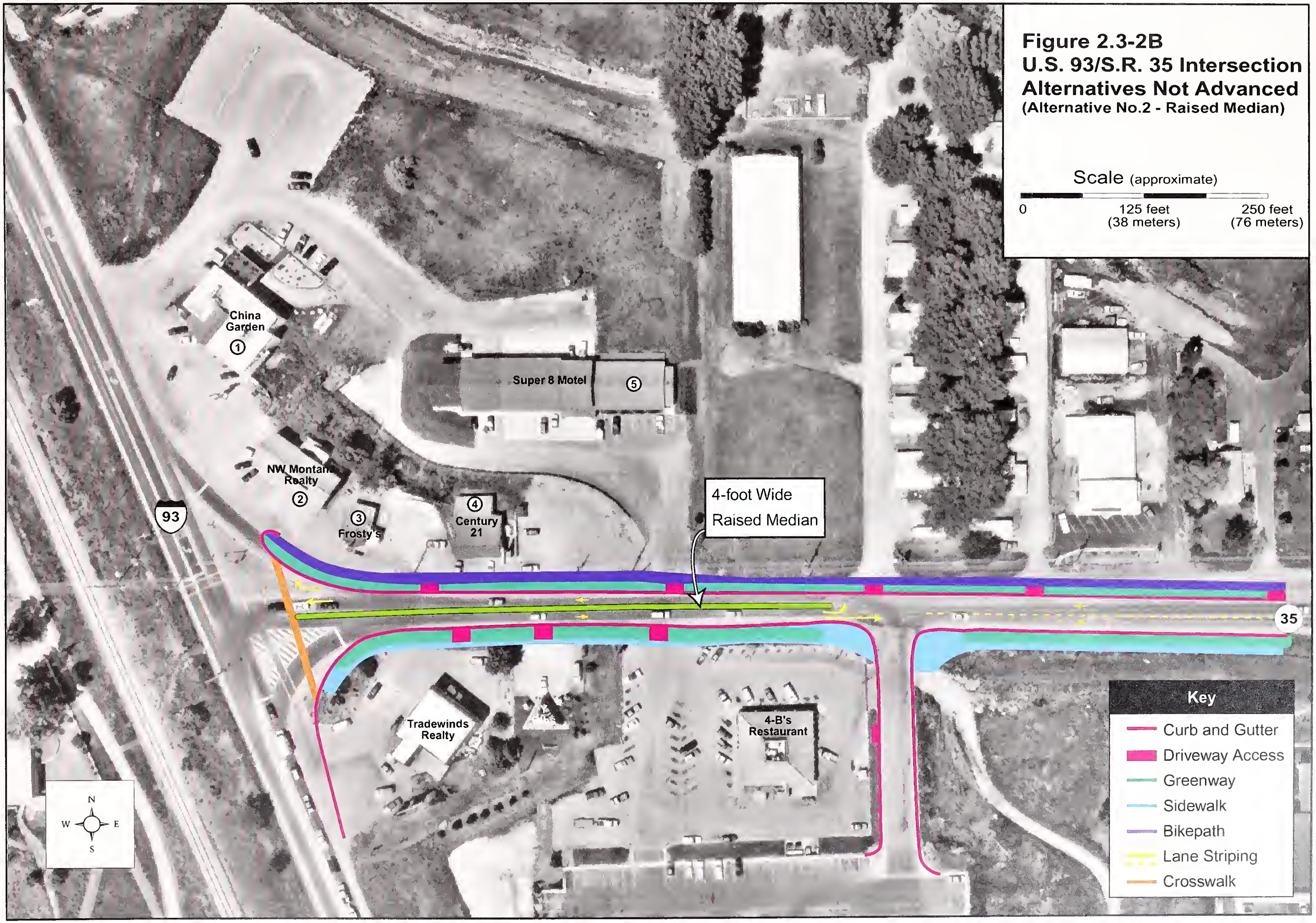


Figure 2.3-2A
US 93/SR 35 Intersection
Alternatives Not Advanced
(Alternative No.1 - 1-lane eastbound)

Figure 2.3-2B
U.S. 93/S.R. 35 Intersection Alternatives Not Advanced
(Alternative No.2 - Raised Median)



The steep grade on the westbound (S.R. 35) approach would not be changed. Future U.S. 93 improvements could require additional construction on S.R. 35. Pedestrian crossing of S.R. 35 would benefit from a raised median at the intersection but pedestrians would be prohibited from crossing until the median terminates. Driver visibility at the intersection would not be improved. This alignment was not advanced because of the significant impact to businesses caused by installing a raised median with no alternate access provisions and the minimal benefit to existing conditions.

2.4 Rural Section Alternatives

Rural design guidelines are proposed for the eastern portion of the road from MP 1.6 to MP 2.8. These guidelines would be in keeping with the existing rural character of the project. MDT's standards for a rural highway are 3.6 m (12 ft) travel lanes, 4.2 m (14 ft) TWLTL, and 1.2 m (4 ft) (minimum) shoulders. MDT's Route Segment Plan recommends a 9.6 m (32 ft) surface width for this section of S.R. 35, with a proposed 7.0 m (23 ft) clear zone for slopes that are 6:1 or flatter. Based on public and agency comments received during the initial stage of the project design, rural reconstruction will provide non-motorized use facilities and storm water management. Based on these standards and suggestions, the following alternatives were carried forward for the rural corridor.

2.4.1 Rural Alternatives Advanced

No-Action Alternative

The No-Action Alternative will retain the existing two-lane roadway. Roadway maintenance will continue to be provided. Access control will not be applied to the project.

Rural Two-Lane – Standard Shoulders Alternative

This alternative includes a minimum level of roadway capacity and safety improvements. It includes shoulders widened to 1.2 m (4 ft) and an improved clear zone along the entire roadway corridor as shown in Figure 2.4-1. Current traffic projections do not anticipate any key intersections meeting the minimum volume requirements for construction of a turn lane. However, based on public comment, turn lanes from S.R. 35 to Haack Road are proposed and turn lanes at Dixon Lane will be considered during the design phase. Access control will be applied to improve traffic flow and maximize safe turning opportunities.

Additional ROW requirements would result from all alternatives, except the No Action.. This alternative has been proposed to enhance roadway safety and is consistent with MDT's Route Segment Plan for roadway width. This alternative provides a 3.0 m (10 ft) bikepath on the north side of S.R. 35, between Haack Road (MP 1.6) and Ducharme Lane/Turtle Lake Road (MP 2.6). The bikepath is separated from the roadway by a drainage ditch. Based on public comment, a more narrow (less than 10 feet) bikepath would be considered during roadway design.

2.4.2 Rural Alternatives Considered but Not Advanced

The following four alternatives for the rural section were considered but not advanced (Figure 2.4-2). A general description of each alternative is provided, with reasons given for its dismissal.

Rural Two-Lane – Wide Shoulders Alternative

This alternative provides additional roadway capacity and safety improvements, including shoulders widened to 2.4 m (8 ft), improved clear zone along the entire roadway corridor, and new turn lanes at key intersections. The shoulders would be constructed to provide adequate width for bicyclists to utilize the shoulder, and would allow adequate room for stalled vehicles to park on the paved shoulder without encroaching into the traveled way.

The only S.R. 35 access between U.S. 93 and Safeway Drive that will be retained is a single driveway into the 4-B's Restaurant property. The Tradewinds Realty and the Y Ribs properties will be purchased according to applicable law and relocated, which is required for the proposed realignment. Alternate accesses will be provided onto the Frontage Road for properties on the north side of S.R. 35.

Three-Lane Urban Plus Auxiliary Lane (U.S. 93 to Hawk Drive, MP 0.0 – MP 0.8)

The Preferred Alternative provides one 3.6 m (12 ft) travel lane in each direction with a 4.2 m (14 ft) TWLTL (Figure 2.5-2). The TWLTL will transition into a left turn lane at major intersections, including U.S. 93, Frontage Road, Heritage Drive, Eagle Nest RV Road, and Hawk Drive. A Frontage Road will be constructed in the northeast quadrant of the U.S. 93/S.R. 35 intersection that connects businesses to both roadways at new intersections. The eastbound, auxiliary lane will begin at U.S. 93 and extend east. Access control will be applied in accordance with the project Access Management Guidelines and will reduce the number and location of existing access drives.

A paved sidewalk is proposed along the south side of the road, separated from traffic by a curb and gutter (0.6 m (2 ft) width) and a minimum 2.0 m (6.6 ft) buffer strip. Along the north edge of the road, a 3.0 m (10 ft) paved bikepath is proposed, separated from traffic by a curb and gutter (0.6 m (2 ft) width) and a minimum 2.0 m (6.6 ft) buffer strip.

Three-Lane Urban (Hawk Drive to Hart's Lane, MP 0.8 – 1 .3)

The Preferred Alternative continues to provide one 3.6 m (12 ft) travel lane in each direction with a 4.2 m (14 ft) TWLTL (Figure 2.5-2). An appropriate lane drop will merge the eastbound, auxiliary lane into the through lane. Access control will be applied in accordance with the project Access Management Guidelines. The paved sidewalk will continue along the south side of the road, separated from traffic by a curb and gutter (0.6 m (2 ft) width) and a minimum 2.0 m (6.6 ft) buffer strip. Along the north edge of the road, a 3.0 m (10 ft) paved bikepath is proposed, separated from traffic by a curb and gutter (0.6 m (2 ft) width) and a minimum 2.0 m (6.6 ft) buffer strip.

Two-Lane Urban (Hart's Lane to Haack Road, MP 1.3 – MP 1.6)

East of Hart's Lane, the three-lane urban section will transition into a two-lane urban section, with two 3.6 m (12 ft) travel lanes and 1.2 m (4 ft) shoulders (Figure 2.5-2). The alternative will include widening for an eastbound, right-turn only lane and a westbound left-turn only lane approaching Haack Road. Based on public comment, turn lanes onto Dixon Lane will be considered during the roadway design. Along the north edge of the road, the 3.0 m (10 ft) bikepath continues, separated from traffic by a minimum 2.0 m (6.6 ft) buffer. A sidewalk will be constructed on the south side of the road, separated from the road by a 2.0 m (6.6 ft) buffer zone and will connect to the walkway along Haack Road. Based on public comment, a more narrow (less than 10 feet) bikepath will be considered during roadway design.

Two-Lane Rural (Haack Road to Project End, MP 1.6 – MP 2.8)

East of Haack Road, the two-lane roadway will provide two 3.6 m (12 ft) travel lanes and 1.2 m (4 ft) shoulders. The improved roadway will be combined with an improved clear zone, shoulder grading, and a storm water ditch as shown in Figure 2.5-3. A 3.0 m (10 ft) bikepath will be constructed along the north edge of the ROW, extending to Ducharme Lane (MP 2.6). Based on public comment, a more narrow (less than 10 feet) bikepath will be considered during roadway design.

3.0 AFFECTED ENVIRONMENT, IMPACTS, AND MITIGATION

3.1 Socioeconomics

3.1.1 Social Environment

The S.R. 35 project area lies entirely within the Flathead Indian Reservation of the CSKT. The social setting of the reservation is largely influenced by the activities of the Native Americans who participate in traditional cultural and civic events and who value the rural character and natural environment of the area. Growth on the reservation is a concern for longtime residents of the area who live in small, dispersed communities.

The Montana Department of Commerce maintains a database of demographic data that includes past, current, and future population estimates for each county in the state of Montana (Montana Department of Commerce 2000). For the year 1999, estimates show that Lake County had a population of 25,885 persons, and ranked as the 9th most populated county in Montana with a population density of 17.3 persons per square mile. From 1990 to 1999, Lake County experienced a 23% increase in population, or 4,884 persons, and was the 6th fastest growing county in Montana. Over the next 20 years, the population of Lake County is expected to increase by 39%, or just over 10,000 people. In 1990, the population of the Flathead Indian Reservation was 21,259.

A small portion of the urban section of the project area near the intersection of S.R. 35 and U.S. 93 lies within the City of Polson, which is the largest populated municipality in Lake County with a 1998 population of 4,593. From 1990 to 1998, Polson experienced a nearly 40% population increase, or approximately 1,300 people. (At the time the Final EA was published and approved, the data incorporated into this Socioeconomic Section 3.1 was the most current data available. Only recently has the 2000 census data from the U.S. Census Bureau been published. The 1998 population estimate for the City of Polson was 4,593; the 2000 reported population for the City of Polson is 4,041. This newer 2000 data indicates only minor changes from the 1998 estimates provided in the existing Socioeconomic Section 3.1. Therefore, the intent of the socioeconomic analysis in the Final EA remains the same and no revision is needed at this time.)

The S.R. 35 project area is unique in that it has both urban and rural elements generally located west to east. Population growth in the corridor will be expected to follow this pattern with the western, urban section experiencing greater population growth than the more rural, eastern section. Currently, one housing development is under construction (Mission Bay) just north of the urban section of the project area.

3.1.2 Economic Environment

The five largest industries in Lake County by employment for 1997 were services (35% of total employment), retail trade (17%), farming (9%), manufacturing (9%), and local government (8%) (Montana Department of Commerce 2000). The fastest growing industry in Lake County is services, which produced almost 41% of the total earnings for the county in 1997, and the slowest growing industry was state and local government. Services, tourism, retail trade, and agriculture play important economic roles for the immediate S.R. 35 project area. Retail trade and service facilities within the project area include a number of family-style and fast-food restaurants, hotels, grocery stores, and retail shops.

3.1.3 No-Action Alternative Impacts

As a result of the no-action alternative, there may be a slight negative impact on the social and economic environments in the project area, due to the deteriorating road conditions and the fact that access to businesses will not be improved.

3.1.4 Preferred Alternative Impacts and Mitigation

Impacts: Construction would result in short-term economic impacts to local businesses in the project area. The businesses may be affected if visitors to the area begin looking for alternate routes or facilities to use as a result of increasing congestion, delays and interruptions with using the access during construction. Therefore, short-term impacts associated with construction activities may result in short-term revenue loss and customer dissatisfaction. Short-term economic impacts during construction of the Preferred Alternative would partially depend on the timing of construction, length of delays, the locations of detours, and the quality of temporary access provisions. However, it is not anticipated that the Preferred Alternative would substantially affect overall economic trends in the long-term.

In the long-term, b~~B~~usinesses, private residences, and visitors would benefit from improved roadway safety and mobility as a result of the Preferred Alternative. In both the short-term and the long-term, the relocation of Tradewinds Realty and Y Ribs would enhance the visibility of businesses along the frontage road to the traveling public. Currently, the motorist view of the businesses along the north side of S.R. 35 is partially blocked by Tradewinds Realty and Y Ribs. An enhanced view of the remaining businesses from U.S. 93 and the relocation of two businesses could result in an increase in customer traffic at the remaining businesses. Relocating Tradewinds Realty and Y Ribs also decreases the number of competing businesses in the area, likely increasing economic opportunities for the remaining businesses.

Temporary construction impacts would include those described above, but access to property along the roadway would be maintained during construction. The project is estimated to span two seven-month construction seasons once construction begins. Based on public comments, some business owners do not want S.R. 35 reconstructed during the summer months (May 15 – Labor Day) to lessen the impacts to business patronage. Three businesses and four residences along the S.R. 35 corridor would have to be relocated to construct the Preferred Alternative. These impacts are discussed in Section 3.3.5.

Mitigation: During construction, travel delays would be minimized to the extent possible, and access to properties adjacent to S.R. 35 would be maintained. As a result of public comments received from the business owners located along S.R. 35, MDT will develop a Construction Sequencing Plan with the business owners to minimize construction impacts to the adjacent businesses and residences. The Construction Sequencing Plan would include a construction schedule, access requirements, and signage requirements. The plan may suggest a phased approach to construction to minimize the disruption to traffic and access. For example, to maintain traffic flow and mobility, the U.S. 93/S.R. 35 intersection realignment section can be built first; then traffic can be rerouted on the new road while the Frontage Road is constructed. The plan would also address temporary access into and signage for the area businesses. Adequate public notice of construction progress would be provided to area residents, visitors, and businesses to warn of closures and detours. The MDT would consider incentives for early completion of critical work items within the business district.

3.2 Environmental Justice

Per *Executive Order 12898: Federal Actions to Address Environmental Justice to Minority Populations and Low Income-Populations, 1994,* federal agencies must consider impacts to minority and low-income populations as part of environmental analyses to ensure that these populations do not receive a disproportionately high number of adverse or human health impacts as a result of a federally funded project.

The U.S. Census Bureau maintains a database of economic and demographic data by census tracts and block groups (U.S. Census Bureau 2000). The general S.R. 35 project area lies within two block groups, and information pertaining to minority and low-income populations was averaged for these two block groups for the census year 1990.

3.2.1 Minority Populations

Because the S.R. 35 project area and much of Lake County is located within the Flathead Indian Reservation, minority populations in these areas consist mainly of American Indians. The project area has a lower minority population than the county or the state due to the private ownership of much of the land along the corridor. Demographic information from the U.S. Census Bureau shows that the general S.R. 35 project area is comprised of 3.5% minorities, all of whom are American Indian (Table 3.2-1). In comparison, Lake County and the state of Montana have higher percentages of minorities (22% and 7%, respectively) than the project area.

Table 3.2-1 – Minority Population and Median Income

Location	Minority Population[1]	Median Household Income
S.R. 35 Project Area[2]	3.5%	$14,571
Lake County	22%	$19,755
State of Montana	7%	$22,988

[1] The 1990 Census defines minority races as non-white (Black, American Indian, Asian, and other).

[2] This area is the average of two block groups representing the general project area.

3.2.2 Low-Income Populations

Per economic data provided by the U.S. Census Bureau, the median household income within the general S.R. 35 project area is lower than that of Lake County or the state of Montana (Table 3.2-1). Therefore, in comparison to the state or the county, the general S.R. 35 project area overall can be considered a lower-income area.

More specifically, there are two clusters of low-income housing in the S.R. 35 project area located on the north side of the roadway at approximately MP 0.2; the Eagle Nest RV Park that contains 27 mobile homes and the Peaceful Valley Mobile Home Park that contains 13 mobile homes. The other few residences within the project area are modest, single-family homes associated with large plots of agricultural or ranch land located in the rural portion of the corridor.

3.2.3 No-Action Alternative Impacts

As a result of the No-Action Alternative, there will be no disproportionate impacts to minority or low-income populations.

3.2.4 Preferred Alternative Impacts and Mitigation

Impacts: Because the percentage of minority populations within the project area is small, and because there are no known clusters of minority populations within the project area, no disproportionate impacts to minority or low-income populations are anticipated as a result of the Preferred Alternative.

The relocation of four mobile homes out of 13 properties at the Peaceful Valley Mobile Home Park is anticipated as a result of the Preferred Alternative (see Section 3.3 – Land Use). This results in an impact to approximately 32% of the total residences at the mobile home park. Mitigation strategies to offset the effects of relocation are discussed below.

Mitigation: The conversion of important farmlands has been minimized to the extent possible. As part of mitigation for the conversion of important farmlands to non-agricultural uses, the *Farmland Conversion Impact Rating Form (#AD-1006)* was completed for this project in accordance with the FPPA (7 U.S.C. 4201, et. seq.) and is included in Appendix B. The NRCS *AD-1006 Form* was also submitted to the Ronan, Montana NRCS Field Office, who files records of farmlands converted to non-agricultural uses (NRCS 2001). The total points for the Preferred Alternative's Site Assessment Criteria are less than 160 (Appendix B). Therefore, under 7 CFR 658.4 (c) no additional consideration for protection is necessary. Mitigation for existing irrigation systems will be coordinated with individual landowners, as applicable.

3.5 Visual Resources

The project area is located in the Mission Valley, part of the Northern Rocky Mountain physiographic province. The landscape surrounding S.R. 35 is generally a flat to rolling plain with Flathead Lake located immediately to the north, and the scenic Mission Mountains rising abruptly to the east (Figure 3.5-1). Human settlement and development has influenced the scenic quality as viewed from the roadway. Starting at the west end of the project at the intersection of S.R. 35 with U.S. 93, the viewshed is dominated by commercial development typical of developed urban areas with traffic lights, roadside signs, power poles, and a variety of building styles. Scenic quality is generally low, although some businesses have installed some landscaping to help improve the appearance of the area. Continuing east, the level of development decreases where scattered residences exist along with open areas of agricultural land use. Further east the landscape character is defined primarily by agricultural, pastoral views with the Mission Mountains as a backdrop. Large trees are common in areas along the existing ROW which help provide a visual screen of the highway from nearby residences.

3.5.1 No-Action Alternative Impacts

The No-Action Alternative will result in no change to the existing visual resources of the project area.

3.5.2 Preferred Alternative Impacts and Mitigation

Impacts: The Preferred Alternative will construct a three-lane roadway with curb and gutter in the urban section, a two-lane Frontage Road on the north side of S.R. 35 from U.S. 93 to Safeway Drive, and a two-lane roadway with standard shoulders in the rural section. The Preferred Alternative also provides for a new bikepath on the north side of the highway from U.S. 93 to Ducharme Lane, and a sidewalk on the south side of S.R. 35 from U.S. 93 to Haack Road. A sidewalk along the Frontage Road will also provide access for pedestrians. Landscaping is proposed along the south side of the Frontage Road and along both sides of S.R. 35 urban section between the curb/gutter and bikepath/sidewalk.

The Preferred Alternative approximate paved roadway widths (excluding curb and gutter) are as follows: Frontage Road, 6.4 m (21 ft); three-lane urban section with the auxiliary lane (U.S. 93 to Hawk Drive), 16.2 m (54 ft); three-lane urban section (Hawk Drive to Hart's Lane), 12.6 m (42 ft); two-lane urban section (Hart's Lane to Haack Road), 9.6 m (32 ft); and two-lane rural section (Haack Road to project end), 9.6 m (32 ft). The curb and gutters in the urban sections, as well as the sidewalk, bikepath, and Frontage Road will add to the overall width of the ROW required for the project. The increase in the highway ROW will increase the scale and dominance of the highway in the viewshed. In the urban sections, the S.R. 35 reconstruction, the addition of the Frontage Road, and the realigned U.S. 93/S.R. 35 intersection will improve the scenic quality of the urban environment, as the highway will create a more orderly environment where access to adjacent businesses is controlled, turn lanes will reduce traffic back-ups, and the sidewalk and bikepath will allow a safer and more enjoyable opportunity for pedestrians and bicyclists to move about the area.

The Preferred Alternative also includes the construction of two retaining walls for parking efficiency and topographic relief. One retaining wall will be constructed north of the China Garden Restaurant along the east side of the Frontage Road. The second retaining wall will be constructed north of 4B's Restaurant along the south edge of S.R. 35. Both walls will be of concrete construction and will create a more orderly urban environment controlling access into the businesses.

In addition, realigning the U.S. 93/S.R. 35 intersection will reduce the skew and create a more orderly and visually balanced design. In the rural section, the highway will remain a two-lane roadway with minor shifts in alignment. The paved surface width will increase and the addition of the sidewalks and bikepaths will also increase the scale and dominance of the highway in the viewshed. However, the elimination of the sidewalks and bikepaths will not decrease the ROW requirements in the S.R. 35 rural section. Existing views from the highway will be maintained, and sidewalks and the bikepath will offer users scenic views of the surrounding landscape, including the Mission Mountains to the east. In addition, view into the junction will be enhanced because of increased visibility due to the loss of Tradewinds Realty and Y Ribs. Construction plans call for areas of extensive cut and fill in isolated areas to reduce grade changes and improve sight distance on existing hills. Areas of cut and fill increase the contrast between the road and the surrounding landscape, and can result in a loss of the natural appearance of the landscape in those areas. The most extensive area of cut and fill occurs near MP 1.8.

As a result of the additional ROW requirements, several trees will be removed to provide a clear ROW area. These existing trees provide a visual screen of the highway for many nearby residences, and the loss of those trees will result in visual impacts to homes. The most extensive areas of tree removal that will result in impacts to nearby homes includes the areas between MP 0.4 - 0.5; MP 1.0 - 1.1; MP 1.2 - 1.4; and MP 1.5 - 1.6. Some of the public comments received did not favor the removal of trees.

Mitigation: The following mitigation measures will be employed to reduce impacts to visual quality:

- On the north side of S.R. 35 from U.S. 93 east to Safeway Drive, a Frontage Road will be constructed, creating a large buffer area between the Frontage Road and S.R. 35 and adding a large landscaped area to improve the scenic quality. So as not to block signage for businesses along the Frontage Road from S.R. 35, low-profile vegetation would be proposed in the roadway design.
- At the intersection of U.S. Highway 93 and S.R. 35, several commercial buildings will be removed on the south side of the highway, thereby increasing the visibility of the remaining businesses. It would be possible to install a landscape strip at this location to help improve the scenic quality of the area.
- Landscaping could also be installed in the urban section along S.R. 35 between the curb/gutter and birkepath/sidewalk on both sides of the road.
- Trees providing visual screens between the highway and residences will be replaced in cooperation with the landowners. The MDT will determine replacement applicability and specifications during ROW negotiations with the landowner.
- Landscaping would meet all traffic safety and visual requirements.
- Areas of cut and fill will be minimized where possible.
- A Preliminary Lighting Plan will be developed. A properly designed lighting plan will specify the location, type and pole design, and county shielding requirements, which can improve aesthetics and reduce fugitive and glaring light.

3.6 Traffic and Access

3.6.1 Traffic Volumes

Historical daily traffic volumes for the past twenty years show that the highest increases occurred in the early 1980's and have decreased to a consistent growth rate between two and three percent annually. Identifying the historical traffic growth patterns of the area allows for projections to be made to guide the design to accommodate the next 20 years of traffic growth. Table 3.6-1 summarizes the current S.R. 35 traffic volumes.

3.6.4 No-Action Alternative Impacts

The No-Action alternative will provide no capacity or safety improvements to S.R. 35, and access control will not be implemented within the corridor. The major intersections of Heritage Drive and U.S. 93 with S.R. 35 will continue to operate under signalized control with acceptable service anticipated at Heritage Drive. Conditions at the U.S. 93/S.R. 35 intersection will operate with a poor service as early as year 2003, continuing to worsen through the design year of 2023. Although crashes cannot be accurately predicted, it is likely that the number of vehicle conflicts will increase due to increasing traffic volumes and no reduction in access points. S.R. 35 will not provide a "recovery zone" or allow for a clear zone, free of obstacles or vehicle hazards. Maintenance requirements could increase due to poor roadway surface and lack of drainage.

Access control will not be implemented in the project area as a result of the No-Action Alternative. Increasing traffic volumes will increase congestion and create longer turning queues, which may result in increased safety problems. Through vehicle mobility will be impaired by vehicles continuing to access S.R. 35 at numerous locations because turning vehicles reduce through capacity and operations. Lack of access control will allow additional development to generate new driveways, potentially introducing additional vehicle conflict points.

3.6.5 Preferred Alternative Impacts and Mitigation

The Preferred Alternative will improve the roadway to current design guidelines and meet the recommendations within MDT's Route Segment Plan. The alignment will be improved to provide adequate sight distance and better visibility for passing opportunities, especially between Haack Road and Ducharme Lane. Shoulders will be reconstructed to provide a consistent 0.6 m (2 ft) width throughout the three-lane urban portions of the project, while rural sections will provide a consistent 1.2 m (4 ft) shoulder. A short segment of the two-lane urban section between Hart's Lane and Haack Road will provide 1.8 m (6 ft) shoulders and mountable curb to allow vehicles to pull over during an emergency. The roadside will be converted to provide a safe recovery zone for errant vehicles, including clear zones applicable for the roadway design speeds.

Impacts:
Traffic flow will be impacted during the construction seasons for travelers who utilize S.R. 35. Traffic will remain on S.R. 35 or the Frontage Road during construction of the project, and a minimum of one lane of travel in each direction will be maintained on S.R. 35. If construction requirements limit the traveled roadway to one travel lane, this will occur for a limited period of time and will require flagging operations. However, detours and construction staging may occur during utility construction or relocation. Access to intersecting roadways and driveways will be maintained during construction.

Traffic impacts focus on access changes and changes to the urban and rural sections of the roadway. In the urban sections, these changes focus on the development of turning lanes and the Frontage Road, providing a roadway consistent with current design guidelines, and improvements to the signalized intersections. In rural portions of the project, proposed changes focus on providing a roadway consistent with current design guidelines.

To improve traffic flow and remain consistent with the access management goals, a Frontage Road will be constructed in the northeast quadrant of the U.S. 93/S.R. 35 intersection. The Frontage Road will eliminate the accesses of five businesses (i.e., Northwest Montana Realty, Frosty's, Century 21, Super 8 Motel, and China Garden Restaurant) off of S.R. 35 or U.S. 93 and consolidate them onto the Frontage Road. The two-way Frontage Road will intersect with the north side of S.R. 35 directly across from Safeway Drive and intersect with U.S. 93 approximately 245 m (800 ft) northwest of the U.S. 93/S.R. 35 intersection. The Preferred Alternative southern realignment will eliminate access to Tradewinds Realty and Y Ribs in the southeastern quadrant of the U.S 93/S.R. 35 intersection and cause the businesses to be relocated off-site. Based on public comment, utilization of the remainder of the Y Ribs property and the Tradewinds Realty property for replacement parking will be considered in the design. The Preferred

Table 3.6-3 Parking and Access Impacts

MP	Business/ Residence	Direction from S.R. 35	Potential Parking/Access Impacts	Mitigation
0.01	Northwest Montana Realty	north	Loss of access to the right turn lane from S.R. 35 to U.S. 93.	Provide three access points onto the Frontage Road.
0.02	Frosty's	north	Loss of access onto S.R. 35.	Provide two access points onto the Frontage Road.
0.03	Tradewinds Realty	south	Loss of access onto S.R. 35 and U.S. 93.	Business relocation off property.
0.04	Century 21 Big Sky Real Estate	north	Loss of access onto S.R. 35.	Provide one access point onto Frontage Road from parking lot on east side of business.
0.05	Y Ribs	south	Loss of access onto S.R. 35.	Business relocation off property.
0.09	Super 8 Motel	north	Loss of access onto S.R. 35.	Provide one access point onto the Frontage Road.
0.1	4B's Restaurant	south	Loss of 16 parking spaces.	Construct retaining wall to north and west of building to reclaim 8 parking spaces. Evaluate options for utilizing Y Ribs property to create additional parking. Reconfigure and optimize parking to reduce loss of parking.
0.2	Total Screen Design	north	Loss of six parking spaces on south side of business and loss of access to S.R. 35.	Replacement parking on west side of building and access via the Frontage Road.
0.3	Polson Storage	north	Loss of 5.5 m (18 ft) of potential parking space and circulation. Loss of access to S.R. 35.	Parking is available at other areas of storage facility. Vehicle access around southernmost storage shed will be possible. Access property from Eagle Nest RV road.
0.4	Delaney's	south	Loss of 17 parking spaces located northwest of business. Consolidate two S.R. 35 access points into one at North View Lane approach.	Shift parking south on property for no net loss. Maintain existing access onto North View Lane.
0.4	Cherry Stand	north	Loss of 6 m (19 ft) of parking space and traffic circulation area.	Move building and reconfigure lot for efficiency. Access stand from public side road.
0.5	First Baptist Church	north	Loss of 21 parking spaces located to south of church.	Shift parking lot to north and economize/optimize lot to reduce loss.
1.3	Hart's Residence	north	Loss of 2 m (6.5 ft) of driveway and parking space in front of home.	Shift parking and vehicle turnaround to west.
U.S. 93	China Garden Restaurant	north on U.S. 93	Loss of direct access to U.S. 93.	Construct retaining wall along east side of Frontage Road. Provide three access points onto Frontage Road.

Access control will also require mailbox consolidation at various locations along the S.R. 35 project corridor. Preliminary design of the mailbox turnouts includes a 3 m (10 ft) wide pullout with the length dependent on the number of mailboxes. The following guidelines will be used to select the new mailbox locations:

- Relocate mailbox if access to S.R. 35 is relocated.
- Replace mailboxes on the same side of S.R. 35 as the customer/residence, or relocate to the adjoining public roads.

- Consolidate mailboxes that are located within 60 m (197 ft) of another mailbox in the urban areas and within 120 m (394 ft) of another mailbox in the rural areas.
- Construct mailbox turnouts on the near side of the drive/road for S.R. 35 eastbound traffic and on the far-side of the drive/road for westbound traffic.
- The MDT would consider incentives for early completion of critical work items in the business district.

Mitigation:
Construction impacts will be mitigated through implementation of control measures during construction. These measures will include the following:

- The MDT would include businesses in the development and review of the Construction Sequencing Plan.
- The contractor will develop construction staging areas to minimize the disruption to traffic and access.
- Utilities will be constructed in advance of the roadway construction.
- The contractor and MDT will provide adequate public notice and maintain coordination with area residents to keep the public apprised of the construction progress and to warn of closures or detours.
- Construction phasing to minimize disruption to businesses would be developed in the Construction Phasing Plan.
- The realignment of S.R.35 at U.S. 93 may be constructed first; then traffic will be shifted onto this new alignment in order to construct the Frontage Road. This will lessen the disruption to business access at the U.S. 93/S.R. 35 intersection.
- New access roadway(s) and vehicle turnouts will be constructed prior to implementing driveway closures or relocations.
- Signage, mailbox design, and roadway design exceptions will be coordinated with CSKT and meet CSKT requirements.

During reconstruction, the Access Control Plan will be implemented, reducing the number of individual driveways and creating mailbox turnouts. Implementation of Access Control on S.R. 35 will result in a reduction of vehicle conflicts by reducing the number of access points, improving through vehicle mobility (by concentrating the access at specific locations), and improving safety.

The project limits do not include changes on U.S. 93; however, the southern realignment of S.R. 35 will improve U.S. 93/S.R. 35 intersection operations, improve sight distance, provide additional westbound vehicle capacity, reduce the grade on the western intersection approach, and better accommodate pedestrians. The realignment of the U.S. 93/S.R. 35 intersection and the construction of the Frontage Road are consistent with the access management goals of this project and will provide through mobility by minimizing access points on S.R. 35. The Frontage Road and the realigned U.S. 93/S.R. 35 intersection will also improve traffic flow through the intersection and provide two eastbound lanes on S.R. 35 to Safeway Drive.

Operations at the S.R.35/U.S. 93 intersection are expected to improve only slightly, due to the lack of increased travel lane capacity on U.S. 93 where the travel volumes are the greatest at the intersection. A northbound short, right turn lane from U.S. 93 will provide a yield type turn design onto S.R. 35. If no changes are made to the U.S. 93/S.R. 35 intersection by 2023, the intersection will experience unstable

Table 3.8-1 Flathead Lake 303(d) Determination

Waterbody	Use Support	Probable Causes of Impairment	Probable Sources of Impairment
Flathead Lake	Aquatic Life – P Coldwater Fishery – F Drinking Water – F Swimming (Recreation) – F Agriculture – F Industrial – F	Nutrients Siltation Organic enrichment/Low DO Algal Growth/Chlorophyll	Agriculture Municipal Point Sources Silviculture Urban Runoff/Storm Sewers Upstream Impoundment Flow Regulation/Modification

F = Fully Supporting
P = Partially Supporting
DO = Dissolved Oxygen

Section 516 of the Clean Water Act authorized the Administrator of the EPA to treat an Indian Tribe as a State (TAS). CSKT was awarded TAS status in 1996. CSKT technical staff will review permits to ensure Tribal water quality standards are upheld, and will be responsible for issuance of 401 Certification for federally permitted discharges into surface waters within the Reservation boundaries (see Section 3.19).

3.8.2 Floodplains

Per *Executive Order 11988 and 23 CFR 650, subpart A*, encroachments on 100-year floodplains determined by the National Flood Insurance Program (NFIP) should be avoided where practicable. Floodplains in the S.R. 35 project area were determined by review of Flood Insurance Rate Maps published by the Federal Emergency Management Agency (FEMA). These maps show that there are no 100-year floodplains within the S.R. 35 project area (FEMA 1987).

3.8.3 Municipal Water and Sewer Utilities

Existing water utility infrastructure owned by the City of Polson is located in the S.R. 35 ROW and would require relocation. The City of Polson is redesigning the water main. No municipal sanitary sewer is located in the ROW or would be affected by construction. Existing storm sewer facilities are already under the jurisdiction of MDT and would be replaced as part of any highway reconstruction.

A 305 mm (12-inch) water main, originally connecting the now-abandoned Hell Roaring water supply to the City, runs the length of the highway corridor. While no longer a crucial main for the City's water supply, the line does provide domestic water service to approximately 20 residential and commercial water users along the corridor. The main is also connected to other City mains near the U.S. 93 intersection. Most of the main is relatively new, having been installed in 1990.

3.8.4 No-Action Alternative Impacts

As a result of the No-Action Alternative, no impacts to water quality, irrigation canals, or floodplains are anticipated.

3.8.5 Preferred Alternative Impacts and Mitigation

Impacts: The Preferred Alternative will relocate the Polson Z Canal crossing 85 m (276 ft) to the west to more closely align with the current Polson Z Canal ditch to the south. Approximately 80 m (260 ft) of the buried Polson B Canal pipe in the vicinity of the Eagle Nest RV access may also be relocated to fall outside of the limits of construction. Approximately 620 m (0.38 mi) of the Polson B Canal will be relocated outside of highway ROW and replaced with buried pipe. The two Polson D Canal crossings approximately 2,330 m (1.43 mi) and 2,170 m (1.34 mi) east of the S.R. 35/U.S. 93 intersection will be eliminated. The existing Polson B Canal on the north side of S.R. 35 will be placed in a pipe for a distance of 260 m (845 ft) and will be located outside of the south ROW limit. However, irrigation service to these

properties located on the north side of S.R. 35 will be sustained. There will be no impact to 100-year floodplains as a result of the Preferred Alternative.

As part of the S.R. 35 reconstruction, portions of the water main would require relocation. Modified highway grades and a revised vertical alignment would determine the buried depth of the main. In fill areas, the main would end up deeper than 3 m (9 ft), making future maintenance difficult. In cut areas, cover on the main would be reduced below the 2 m (6 ft) recommended depth for adequate freeze protection. Also changes in horizontal alignment and pavement width would result in the main lying beneath highway paving. To prevent future maintenance complications and assure adequate functioning of the water main, approximately 2,600 m (8,500 ft) of main would be relocated at proper depth and adequate separation from new pavement. The MDT pays 75 percent of the cost of construction and requires the local utility to provide a cost share plus pay traffic control surcharges and the full cost of engineering.

Limited construction impacts would occur during water main relocation and replacement. These would include temporary water service interruptions, potential erosion resulting from trench excavation, and temporary restriction of localized access during construction.

Mitigation: Impacts to water quality will be mitigated by the use of temporary and permanent Best Management Practices (BMP's) which include the following:

- Implementation of the Erosion Control and Sediment Plan, which reduces sediment production and flows, and meets all CSKT, state, and federal requirements, as applicable.
- Revegetation of exposed soil and minimal use of fertilizers to prevent nutrient loading.
- Construction and implementation of erosion and sediment control features such as fiber mats, catch basins, silt fences, and sediment barriers.
- Compensation for increased runoff created by additional impervious surfaces related to road widening, such as the construction of dry or wet ponds.
- Irrigation ditch culverts and pipes will be designed to match the hydraulic traits (depth, velocity, and patterns) of the natural drainage.
- Storm water treatment will include removal/controls for sediment, dissolved nitrate, phosphorus and oil/grease. (See Section 3.9 – Storm Water Management.)

Water service impacts can be effectively mitigated by providing temporary water service to users during construction and by providing notification to fire departments to assure continuity in fire protection. Erosion and runoff impacts would be mitigated through use of accepted BMPs for sediment control during construction. Traffic and access delays during construction would be mitigated by development of a Traffic Control Plan, which includes signing and flagging requirements along with provisions for temporary alternate access for local residents.

3.9 Storm Water Management

A number of alternatives for urban drainage improvements to S.R. 35 were developed and considered during development of the *Preliminary Hydraulics Report for Polson-East, S.R. 35* (Stelling Engineers, Inc., 2000b). Drainage from the rural highway section will continue to be handled by grassed swales and borrow ditches, like the existing condition.

The primary urban storm drainage concern in the project area is the location of the drainage outfall and receiving drainage(s) for runoff from the Frontage Road and urban portions of the project corridor. Currently, runoff from the west portion of the corridor flows to a low point in the terrain approximately 492 m (0.30 mi) east of the S.R. 35/U.S. 93 intersection. Storm water runoff eventually drains overland, north along the main roadway into the Eagle Nest RV Park. Although this is probably the historic drainage pattern, recent and continuing development south of S.R. 35 makes the pattern undesirable. Runoff

impacts to the RV Park suggest that continued discharge of runoff at this location be rerouted to minimize impacts.

The increased flow caused by the S.R. 35 reconstruction will increase runoff impacts to the RV Park. MDT is required to address the water generated within their ROW, and without storm drainage improvements, the project will increase flooding potential on adjacent property.

Runoff patterns for the urban section along S.R. 35 are divided in the project corridor by a hill near the Baptist Church located approximately 800 m (0.50 mi) east of the S.R. 35/U.S. 93 intersection. East of this location, drainage patterns converge to a natural drainage approximately 1,600 m (1.0 mi) east of the S.R. 35/U.S. 93 intersection. The drainage system alternatives presented capitalize on this trend, retaining this natural repository which is privately owned.

The options evaluated include a single gravity storm drainage for the entire corridor, as well as "split systems" serving the east and west portions of the corridor separately. Both gravity and pumped systems for the western portion of the corridor were evaluated. Joint use of irrigation facilities operated by the Flathead Irrigation Project for storm water conveyance is also considered. Central storm drainage for the Frontage Road is also included in each Option.

Primary criteria used to determine whether or not a design alternative should be advanced were

- Does it accommodate MDT-related runoff?
- Does it impact ROW requirements significantly?
- Are adequate environmental safeguards provided for area surface water resources?
- Can it be constructed economically?

The following drainage options were considered:

Option 1: Route all storm drainage from the urban portion of the project corridor in a single, piped gravity storm sewer system east to the natural drainage located 1,600 m (1 mi) east of the S.R. 35/U.S. 93 intersection. A detention/sedimentation pond would be provided at the piping outlet for water quality enhancement.

Option 2: Install two separate gravity storm drainage systems in the urban portion of the project to accommodate drainage. West system piping would converge near Delaney's Nursery, with an outfall to the Polson B Canal to the north. The Polson B Canal would be widened to convey runoff eastward well outside the S.R. 35 ROW to approximately 1,000 m (0.62 mi) east of the S.R. 35/U.S. 93 intersection. There storm water would be conveyed through new irrigation piping to discharge to the natural drainage 1,600 m (1.00 mi) east of the S.R. 35/U.S. 93 intersection. A detention/sedimentation pond would be provided at the irrigation-piping outlet for water quality enhancement. The east gravity piping system would convey runoff from the hill area near the Baptist Church 800 m (0.50 mi) east to the natural drainage outfall.

Option 3: This alternative is the same as Option 2, except a pipe would be constructed alongside the Polson B Canal instead of using the canal to carry storm water. Canal widening would not be necessary.

Option 4: This option would utilize a lift station to pump storm water from the west system to the east system. A force main would convey storm water over the hill near the Baptist Church. East of the hill, storm water would be conveyed through a conventional gravity piping system to the natural drainage discussed previously.

Option 5: This option would utilize a large infiltration basin on the west system to allow storm water to percolate into the underlying soils. The infiltration basin would be constructed in the low area south of S.R. 35 and 520 m (0.10 mi) east of the S.R. 35/U.S. 93 intersection. The east system would use a conventional gravity piping system for runoff east of the hill near the Baptist Church. The east system would discharge to the natural drainage discussed previously.

The *Preliminary Hydraulics Report* recommends either Option 2 or Option 1 (Stelling Engineers, Inc. 2000). Option 2, using the Polson B irrigation canal to convey runoff from the west system to the east system, is contingent on concurrence by the Flathead Irrigation Project and the BIA. Option 1 avoids co-mingling irrigation flows with storm drainage from the west system, and will likely simplify facility management and maintenance. On this basis, Option 1 is recommended as the Preferred Alternative.

Option 1 will convey runoff from the western portion of the urban section in a gravity storm drain main. Combined runoff from the Frontage Road and urban sections will combine, and ultimately reach the natural drainage approximately 1,600 m (1 mi) east of the S.R. 35/U.S. 93 intersection. A detention/ sedimentation pond will be provided at the outlet(s) for water quality enhancement (Figure 3.8-1).

3.9.1 No-Action Alternative Impacts

As a result of the No-Action Alternative, adverse storm water impacts are anticipated. Periodic flooding of the Eagle Nest RV Park will continue, and may worsen with additional pavement area and further commercial development in the contributing watershed. Maintenance requirements could increase due to the lack of drainage.

3.9.2 Preferred Alternative Impacts and Mitigation

Impacts: The Preferred Alternative (Option 1) for the urban highway section will reduce drainage impacts in the western urbanized portion of the project corridor, by conveying all drainage to the eastern rural corridor. Excavation will be required for installation of storm drain piping, including relatively deep trenching through the hill near the Baptist Church. The work will result in temporary impacts typical of utility construction, including potential erosion, dust, and noise.

Additional land will be committed for the construction of a detention/water quality enhancement pond at the outfall into the natural drainage approximately 1,600 m (1 mi) east of the S.R. 35/U.S. 93 intersection. Storm water runoff will contain sediment, and potential oil wash-off from the roadway. Such pollutants will need to be attenuated before discharge to the natural drainage to prevent surface water impacts to Flathead Lake. No channel widening of the Polson B Canal will be required with the Preferred Alternative.

Minimal changes in storm water flows from the rural highway section are anticipated, since the roadway surfacing is not being expanded appreciably. Runoff will continue to drain from the roadway surface, to be captured and conveyed in borrow ditches with vegetative cover. The vertical alignment of the highway is being flattened in several areas, compared to existing grades. In these areas the grade of borrow ditches will likewise be flattened. This will tend to lessen runoff velocities, and the potential for erosion and sediment transport.

Mitigation: Storm water and construction-phase impacts will be mitigated by the use of construction-phase and permanent BMP's. The U.S. Environmental Protection Agency (EPA) published BMP's for storm water management, which address both construction and permanent operation of drainage facilities.

The BMP's recommended for mitigation of potential storm water impacts include the following:

- Use of silt fencing, straw bales, strategic grading, and prompt re-seeding to control erosion of exposed soils during construction.
- Temporary storm water detention facilities during construction.
- Vegetated swales to convey storm water in open channels in the rural highway section.
- Natural storm water detention in low-lying areas that historically have been temporary impoundments.

- A new storm water detention pond at the outfall to the natural drainage approximately 1,600 m (1 mi) east of the S.R. 35/U.S. 93 intersection. The pond should be designed to remove sediment along with associated nutrients, as well as to provide oil and grease capture, and emergency isolation in the event of a hazardous material spill on the highway.

In addition to implementing BMP's as part of roadway design and construction activity, the following considerations will afford additional mitigation:

- The storm water system will comply with the CSKT water quality standards and requirements of the EPA. The required water quality permits will be obtained as listed in Section 3.19 – Permits.

- A Storm Water Pollution Prevention Plan (SWPPP), emphasizing BMP's, will be developed for construction of the project. The SWPPP will be distributed to all appropriate agencies, including the CSKT, for review.

- Construction plans for the Preferred Alternative will be designed to avoid and/or minimize impacts to the natural drainages downstream (e.g., Polson Canals) and to Flathead Lake, approximately 1,207 m (0.75 mi) to the north.

- Temporary erosion control and revegetation measures will be implemented as specified in the SWPPP. The storm water detention/water quality enhancement pond will be designed and operated to minimize impacts to aquatic and wetland habitats caused by runoff sediment. ~~Where practical, natural or introduced wetland fringe areas can be incorporated at storm water discharge points to further remove pollutants.~~

- Natural wetlands that may receive stormwater will be evaluated to determine possible effects. Change in historical flows, volumes, and timing will be avoided.

- A Notice of Intent under the "Storm Water General Permit for Construction Activities – Indian Country Lands in the State of Montana" will be filed with the EPA and the CSKT. Construction will conform to this National Pollutant Discharge Elimination System (NPDES) General Permit, and the conditions of the SWPPP for the control of water pollution. DEQ does not have direct jurisdiction for NPDES Permits on tribal lands, deferring to EPA and the CSKT Water Management Program. Initial indications from Mike Stermitz, NPDES Permits Coordinator for the CSKT, are that an NPDES Permit for discharge from the new storm water detention/water quality enhancement pond may not be required, provided adequate water quality enhancement features and BMP's are included.

- The natural drainage approximately 1,600 m (1 mi) east of the S.R. 35/U.S. 93 intersection ultimately reaches Flathead Lake, which is considered "nutrient-impaired." A Total Maximum Daily Load (TMDL) for nutrients is currently being developed for the lake. Nutrients such as phosphorus and some forms of nitrogen associated with runoff sediments can be controlled by storm water detention and contact with vegetation.

- At this time, a Montana Pollutant Discharge Elimination System (MPDES) general construction permit is not required for the construction of the storm water detection pond because the project is located within the CSKT Reservation. However, DEQ is currently revising the general construction permit (which includes storm water point sources) and private lands within reservations may be subject to this revised general construction permit. MPDES permits are required for areas with greater than 5 ac of disturbance and/or for areas greater than 1 ac and within 30 m (100 ft) of state waters. The Polson canals are considered state waters.

3.10 Wetlands

A wetland determination, delineation, and functional assessment was conducted in August 1999 to determine the number, type, area, and function of wetlands located along the S.R. 35 project corridor

(Western EcoTech LLC 2000). Five wetlands totaling 0.23 ha (0.58 ac) were identified and delineated in and adjacent to the new proposed ROW. Wetland 1 includes emergent fringe wetlands located along the banks of the Polson B Canal and a small section of the Polson D Canal. Wetland 2 includes emergent fringe wetlands associated with the banks of the Polson D Canal. Wetland 3 includes emergent wetlands associated with existing excavated irrigation and roadside drainage ditches. Wetlands 4 and 5 are emergent depressional wetlands located within existing excavated drainage ditches (Figure 3.10-1).

The quality and functions of the wetlands were assessed and assigned one of the four MDT wetland category ratings (Western EcoTech LLC 2000):

- Category I – Exceptionally high quality.
- Category II – More common than Category I, providing good quality habitat for sensitive plants or animals. They have high functions for wildlife/fish habitat or are unique in a given region.
- Category III – More common, generally less diverse, and often smaller and more isolated than Category I and II wetlands.
- Category IV – Generally small, isolated, and lack vegetative diversity.

As shown in Table 3.10-1, the five wetlands located in the project corridor have Category III and IV ratings. A total of 0.05 ha (0.13 ac) of Category III wetlands and 0.18 ha (0.45 ac) of Category IV wetlands will be impacted by the project. No Category I or II wetlands were identified in the project area.

3.10-1 Wetlands Locations, Types, Impacts, and Functional Classifications

Wetland Number	MP Location/ Direction	Wetland Type	Classification	Impacted Area
1	0.6-1.0N, 0.7S	Emergent	Category IV	0.11 ha (0.28 ac)
2	1.3S, 1.4N, 1.5S	Emergent	Category IV	0.07 ha (0.17 ac)
3	2.2-2.4S	Emergent	Category III	0.05 ha (0.12 ac)
4	2.3N	Emergent	Category III	0.003 ha (0.006 ac)
5	2.5N	Emergent	Category III	0.0 ha (0.0 ac)
Total:				**0.23 ha (0.58 ac)**

N = north side of S.R. 35
S = south side of S.R. 35.

Wetlands evaluated outside the project ROW are documented in the Biological Resources Report (Western EcoTech LLC 2000).

3.10.1 No-Action Alternative Impacts

No direct impacts to wetlands are anticipated as a result of the No-Action Alternative.

3.10.2 Preferred Alternative Impacts and Mitigation

Impacts: As shown in Table 3.10-1, the Preferred Alternative will directly impact 0.23 ha (0.58 ac) of emergent wetlands (Categories III and IV). There will be no impacts to Category I and II wetlands as a result of the Preferred Alternative. Temporary impacts to wetlands within the ROW and construction easement areas will likely occur; however, these impacts have not been quantified at this time.

- A pre-construction survey for Spalding's catchfly within the proposed ROW is recommended during the last two weeks of July to determine whether the species exists within the project corridor (Western EcoTech LLC 2000).
- Staging and borrow/gravel source locations will be reviewed by an MDT biologist prior to construction to determine possible impacts to bald eagles, and other T&E species and species of special concern.
- The status of bald eagle nesting in the project area will be confirmed with an MDT biologist prior to construction to determine if new nesting territories exist near the project area. If new nest territories are located, and depending on the locations of the new nests, construction-timing restrictions may be warranted.
- To conserve bald eagles and other large raptors, overhead powerlines that are modified or relocated as a result of this project should be raptor-proofed following the criteria and techniques outlined in the publication, *Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 1981* (Olendorff et al. 1981).

3.14 Cultural Resources

In compliance with Section 106 of the National Historic Preservation Act, a Cultural Resources Inventory was conducted in September and October, 1999, by the SKTPO to identify the presence of cultural resources in the S.R. 35 project area (SKTPO 1999). This inventory consisted of a literature search, an intensive pedestrian survey for 32 m (105 ft) on each side of the existing roadway, and consultation with the Salish and Kootenai elders to determine the presence of cultural resources and traditional cultural properties. A Cultural Resources Inventory Addendum was conducted by SKTPO in November 2000 in order to evaluate areas of the Preferred Alternative, including the northeast quadrant of the U.S. 93/S.R. 35 intersection, that were not previously surveyed (SKTPO 2000b).

In accordance with Section 106, the National Register of Historic Places (NRHP) serves as a nationwide database for cultural resources such as archaeological sites, historic districts, buildings, and objects that are significant to prehistory or history at local, state, or national levels. Those properties listed on the NRHP or that are eligible for nomination to the NRHP are considered federally protected resources and are the subject of consideration for this EA.

The cultural resources inventories revealed the presence of two cultural resources within the immediate project area:

- **The Polson Canal (24LA91)** – This site is recommended to be eligible for the NRHP.
- **An historic schoolhouse** – This site is recommended as not eligible for the NRHP.

No other cultural resources or traditional cultural properties were identified within the project area, and S.R. 35 does not cross any historic bridges and is itself not considered an historic road (SKTPO 1999, SKTPO 2000b).

The Polson Canal is divided into various segments, and two segments, segments B and D, lie within the project area (Figure 3.8-1). According to the Flathead Indian Irrigation Project maps and plans, the Polson B Canal enters the project area near MP 0.65 just east of the First Baptist Church, where it stays on the north side of S.R. 35 and flows east parallel to the roadway for nearly 0.5 mi (approximately 611 m (2,004 ft)) (SKTPO 2000). At MP 1.0, the Polson B Canal turns north toward Flathead Lake leaving the project area. The Polson D Canal enters the project area west of Hack Road/Dixon Lane and flows to the west roughly paralleling S.R. 35. Near MP 1.5, the Polson D Canal loops north across S.R. 35 and back south where it flows until it intersects with a spur running north under S.R. 35. All crossings of the Polson Canal under S.R. 35 are via concrete or metal culverts. These structures do not affect the cultural significance of the Polson Canal and are considered features of the roadway.

The project area is located on the CSKT reservation and concurrence regarding cultural resources is normally received from SKPTO. However, because the SKTPO conducted the 1999 and 2000 Cultural Resources Inventories for this project, they asked the Montana State Historic Preservation Office (SHPO) to review the inventory and supply the determination of effect. Since no comments from SHPO were received within 30 days, concurrence is granted to SKTPO for agreement with the findings, recommendations of eligibility, and determinations of effect of the 1999 and 2000 Cultural Resources Inventories (36 CFR 800.4(d)1.

3.14.1 No-Action Alternative Impacts

There will be no impact to cultural resources as a result of the No-Action Alternative.

3.14.2 Preferred Alternative Impacts and Mitigation

Impacts: No impacts to the Polson Canal are anticipated as a result of the Preferred Alternative. Per the amended programmatic agreement regarding the treatment of historic irrigation ditches affected by highway construction in Montana between the FHWA, the Advisory Council on Historic Preservation, and the SHPO, "...structures associated with existing roads and built as part of the roadway, such as metal or concrete culverts, will be considered to be features of the roadway and not of an intersecting irrigation system" (FHWA 1993). Because the culverts that allow the Polson Canal to flow under S.R. 35 are considered to be features of the roadway and not features of the historic irrigation canal, no impacts to the Polson Canal are anticipated. During construction of the Preferred Alternative, replacement or repair of the culverts is anticipated; however, impacts are not anticipated to extend beyond the limits of the existing culverts.

Federal statutes and regulations (23 U.S.C. Section 138, C.F.R. Section 771) generally prohibit the use of land for transportation purposes from Section 4(f) resources, or a significant, publicly-owned park, recreation area, wildlife or waterfowl refuge, or NRHP-eligible cultural resource. Because there will be no impacts to cultural resources, parks, recreation areas, or wildlife refuges, there will be no impacts to any Section 4(f) properties as a result of the Preferred Alternative.

Mitigation: No mitigation measures are necessary. However, in the event that cultural deposits are discovered during construction, work will cease in the area of discovery, and the SKPTO and SHPO will be notified. The SKPTO, SHPO, or a designated representative, will evaluate any such discovery, and proper mitigation measures will be completed before construction activities resume. Further, the construction contractor will be responsible for informing all persons associated with this project that they will be subject to prosecution for knowingly disturbing any cultural resources or for collecting artifacts.

3.15 Noise

The traffic noise study for the S.R. 35 project was conducted according to the FHWA and the MDT *Traffic Noise Analysis and Abatement: Policy and Guidance* (FHWA 1995, MDT 1996). The noise impact of vehicles traveling on S.R. 35 was studied (BSA 2000).

The FHWA and MDT have established criteria to determine when traffic noise impacts will occur, resulting in a negative impact at noise-sensitive locations along a roadway. The noise-sensitive receiver locations within the S.R. 35 project area include residences and a church. According to both agencies, traffic noise impacts occur at these receiver locations if predicted traffic noise levels are 66 A-weighted Decibels (dBA) or greater in the project Design Year, or if the predicted noise levels in the Design Year are 10 dBA or greater than those in the Present Year. If either criterion is met, then a traffic noise impact will occur, and traffic noise abatement measures will need to be considered.

The noise impact criterion is presented as the A-weighted equivalent noise level during a one-hour period, ($L_{eq}(h)$). The equivalent noise level is defined as the steady state noise level that has the same acoustical energy as the actual, time-varying noise signal during the same time period. The $L_{eq}(h)$ metric

and increase safety, the project itself is not expected to be growth inducing. However, regional growth is projected to lead to increased travel on the route.

3.16.1 No-Action Alternative Impacts

As a result of the No-Action Alternative, no impacts to air quality are anticipated.

3.16.2 Preferred Alternative Impacts and Mitigation

Impacts: During the construction period, local air quality may be affected. Disturbance of soil by earthmoving equipment will result in emissions of fugitive dust. Vehicle delays combined with exhaust emissions from construction equipment may cause elevated levels of some pollutants. Pavement sawing, paving, and painting operations may release PM_{10} and volatile organic compounds (VOC) into the atmosphere. However, since these emission sources will be temporary and intermittent, it is not expected that construction activities will result in any significant or long-term air quality impacts.

Mitigation: *Montana Regulation 17.8.308* states that "no person shall operate a construction site or demolition project unless reasonable precautions are taken to control emissions of airborne particulate matter." According to *Montana Regulation 17.24.761*, possible fugitive dust control measures include periodic watering or chemical stabilization of unpaved roads; restricting the speed of vehicles on unpaved roads; enclosing, covering, watering or otherwise treating loaded haul trucks; minimizing the area of disturbed land; and promptly revegetating or stabilizing disturbed areas.

In addition, because the project area is located within the Flathead Indian Reservation, the following control measures will be used:

- A Dust Abatement Plan will be prepared.
- Exposed soils within the construction area will be watered regularly or treated with a chemical dust suppressant.
- Construction vehicles and combustion equipment will be kept in good operating condition to prevent excess emissions of CO and NoX (Nitrogen Oxide).
- Vehicles entering a hard surface roadway will not carry mud and debris onto these roads.
- Fuel tanks of transport vehicles will not be overfilled.
- Curbs and gutters will be planned into the project where appropriate.

Implementation of these standard fugitive dust control measures will minimize the air quality impact of the construction phase of the proposed project.

Once construction is completed and regular use of the new roadway commences, the following PM_{10} control strategies will be employed:

- The project area will have a regular roadway maintenance plan that provides for frequent street cleaning to prevent road dust from becoming reentrained into the atmosphere.
- Street cleaning machines will use water spray to minimize airborne dust.
- Sand will be used during the winter months only when chemical de-icing fluid will be ineffective.

Furthermore, a memorandum of agreement (MOA) for the Polson non-attainment area was developed in the 1990's between the CSKT, the City of Polson, Lake County, MDT, and EPA. The MOA requires that two control measures be employed within the non-attainment area:

- Only clean sand or chemical deicers will be applied to road surfaces, and
- Driving lanes, shoulder gutters, and drop drains within the Polson city limits will be swept and cleaned on a regular basis.

addition to roadway facilities. The residential subdivisions (listed in Table 3.18-2) will increase travel on the area roadways; but these developments are not expected to induce additional traffic above what will occur without the roadway improvements.

Socioeconomic

U.S. 93 corridor preservation may increase the land value for the properties with direct access to regional roadways such as S.R. 35. Properties with committed access onto regional roadways will become more attractive for development. The introduction of access control onto U.S. 93 and S.R. 35 may result in changing property values. Properties with no direct access may become slightly less desirable for development because of additional costs (real or perceived) to achieve access.

Construction Activities

Many of the identified projects in Tables 3.18-1 and 3.18-2 are planned to be constructed prior to 2003, when construction activities on the Polson-East project are anticipated to begin. However, a separate reconstruction project on S.R. 35 is proposed for 2004-2005 in the Bigfork area (S.R. 35, beginning at MP 26), and it is unknown when U.S. 93 will be reconstructed. Because Flathead Valley's peak recreational season runs concurrent with Montana's construction season, major roadway reconstruction may divert some recreational travelers, but the impacts would be temporary. There are limits on the ability to predict all cumulative and secondary consequences of the project. There are too many unknowns and complex factors to be able to predict the reasonable construction impacts with greater accuracy.

Mitigation:

- Any proposed construction on S.R. 35 should not occur in the same construction season as other major S.R. 35 and U.S. 93 construction activities, specifically the S.R. 35, Bigfork-North and South project and the U.S. 93, Polson-Ronan project.

- The Access Control Plan will be implemented for S.R. 35 to identify access to adjacent properties according to the same standards applied to other state roadway projects.

- The provision of bike/pedestrian paths in the Preferred Alternative will serve to redistribute some trips in the region from motorized to non-motorized travel.

- Erosion Control Plan (i.e., SWPPP and Notice of Intent to EPA), Stormwater Management Plan, and Dust Abatement Plan requirements would be developed as part of the project prior to the project construction. The MDT and CSKT would determine methodology ensuring construction oversight and compliance with the plans.

3.19 Permits

Several state and federal permits will be required as part of the project approval process. These permits are identified in Table 3.19-1.

Table 3.19-1 – Permits Required for the Construction of the Preferred Alternative

Permit	Agency	Activities Requiring a Permit	Application Procedure/ Timeline
Shoreline Protection and Aquatic Land Conservation Ordinance (ALCO)	CSKT – Shoreline Protection Office	Any activity that is proposed in or near any stream, river, lake, or wetland on the Flathead Reservation.	Submit application prior to initiating a project/30-60 days.
Notice of Intent – National Pollutant Discharge Elimination System (NPDES) General Permit	U.S. Environmental Protection Agency, CSKT	Any activity on an Indian Reservation that will result in discharges to surface water or groundwater from both point and non-point sources (e.g., storm water detention pond).	Submit application and plans prior to initiating a project.
Short-Term Exemption From Montana's Surface Water Quality Standards (3A Authorization)	Montana Department of Environmental Quality – Water Quality Bureau	Any activity that may cause unavoidable violations of state surface water quality standards for turbidity, total dissolved solids, or temperature.	Submit application prior to initiating a project/14 days.
Federal Clean Water Act (404 Permit) [Includes 401 Certification]	U.S. Army Corps of Engineers, CSKT	Any project that will result in the discharge or placement of dredged or fill material into waters of the United States, including wetlands. [401 Certification obtained as a part of the 404 Permit Application. Federally permitted discharges into surface waters within the Reservation boundaries]	Submit application prior to initiating a project/ 10 - 90 days. [Includes 401 Certification]

CSKT = Confederated Salish & Kootenai Tribes

4.0 PUBLIC INVOLVEMENT AND PROJECT COORDINATION

4.1 ~~Past~~ Public Involvement

MDT and the project team (Stelling Engineers, Inc., URS Corporation (URS), and Carter & Burgess, Inc.) have coordinated meetings with citizens' groups, the CSKT, county commissioners, homeowners, and business owners for the purpose of keeping the public informed and allowing the public to comment on the project. The following public involvement activities have taken place during the development of this EA:

- On June 24, 1999, a South Shore-Highway 35 meeting for S.R. 35 users and individuals along S.R. 35 was conducted. Groups named "Residents for Responsible Development" and "Citizens for Scenic Lake County" sponsored the meeting. The purpose of the meeting was to elicit common community goals and to explore agendas, plans, and planned improvements on and along S.R. 35.

- On August 25, 1999, at 7:00 p.m., a meeting sponsored by the "Residents for Responsible Development" and "Citizens for Scenic Lake County" was held. Approximately 70 people were in attendance. MDT and Stelling Engineers, Inc., were invited to make presentations to the group.

- An S.R. 35 users meeting was held on October 7, 1999 at the Polson Library. There were approximately 15 people in attendance. After a brief presentation, the meeting broke into work groups and discussed safety and traffic calming, bikeways/pathways, and the preservation of the rural character, scenic views, and the environment along S.R. 35.

- Century 21 Big Sky Real Estate and the Super 8 Motel wrote a letter on October 18, 1999, to Stelling Engineers, Inc. Both businesses are located on the north side of S.R. 35 near the S.R. 35/U.S. 93 intersection. The letter focused on two concerns regarding the S.R. 35 reconstruction: first, a request that easy access to the two businesses be maintained; and second, that the construction period not adversely impact their busy seasons from May through September.

- On November 4, 1999, from 2:00 to 6:00 p.m., a Public Open House was held followed by a formal presentation at 7:00 p.m. The purpose of the open house and formal presentation was to receive public comments, answer questions regarding proposed improvements to S.R. 35, and to inform citizens of the design process and project progress. Speakers at the presentation included representatives of MDT, County Commissioner Dave Stipe, Mayor Mike Lies, and Stelling Engineers, Inc., who discussed such issues as construction funding, access, zoning, pedestrian and bikepaths, project goals, schedule, environmental issues, and alternatives. The public comments are summarized in Section 5.4 of this document.

- On December 15, 1999, Century 21 Big Sky Real Estate wrote a letter to the Mayor of Polson emphasizing that Century 21 and Super 8 would like S.R. 35 reconstructed so that their access is maintained.

- On December 21, 1999, the First Baptist Church, located along the north side of S.R. 35, wrote a letter to Stelling Engineers, Inc., regarding the S.R. 35 reconstruction. They stated that the purpose of the highway should be for safe and expeditious movement of traffic, and that the bikepath and traffic calming devices are desirable additions but should not be the driving planning force of the reconstruction. The letter also mentioned the need for adequate lighting in business areas, removing the hill obscuring the eastbound sight distance near the church, and redesigning the S.R. 35/U.S. 93 intersection by including a dedicated righthand turn lane onto U.S. 93.

- On February 3, 2000, a resident, Dudley Page wrote a letter to Stelling Engineers, Inc., regarding the S.R. 35 reconstruction. He commented on the S.R. 35 comment sheets passed out at the public meetings. He agreed with eliminating the hills to increase visibility, a wide two-lane design in the rural

portion and a three-lane highway in the urban section, limited access using frontage roads along S.R. 35, and not encouraging further development.

- On August 8, 2000, Century 21 Big Sky Real Estate wrote a letter to Stelling Engineers, Inc., and MDT expressing their interest that Alternative No. 3 be selected for the U.S.93/S.R.35 intersection. They also suggested that MDT form a committee with affected business owners along S.R. 35 to discuss construction details and proposed that all construction occur from 11 p.m. to 6 a.m.

- On August 22, 2000, from 2 p.m. to 6 p.m., a Public Open House was held at the First Baptist Church, followed by a formal presentation at 7 p.m. The purpose of the open house and formal presentation was to receive public comments and answer questions regarding preferred S.R. 35 design alternatives. Stelling Engineers, Inc., presented the Preferred Alternative and discussed the design and EA schedule. The public comments are summarized in Section 5.4.

- On August 23, 2000, Mission Meadow Farm Bed and Breakfast wrote a letter to Stelling Engineers, Inc., supporting the selection of U.S. 93/S.R. 35 Intersection Alternative No. 3. They also expressed their support for the pedestrian/bikepath. They objected to the volume of fill proposed (16 ft) in front of their property, which would raise the highway, causing adverse aesthetic and noise impacts.

- On August 25, 2000, Foothills Electric (Gochis property) wrote a letter to Stelling Engineers, Inc., regarding consolidating access to their property, which is used for both residential and business use. Large 18-wheeled trucks deliver supplies to their business twice a week and consolidating the access may effectively prohibit their access, and also may not accommodate their fruit stand located along S.R. 35 three weeks a year. They also believe that the 60-mph speed limit is too fast.

- On September 15, 2000, Century 21 Big Sky Real Estate wrote a letter to Stelling Engineers, Inc., selecting Alternative No. 3 for the S.R. 35/U.S. 93 intersection. They also suggested that construction cease from May 15 through Labor Day, that MDT have a detailed construction contract, business access not be denied anytime during construction, and signage be installed for ease of business access.

A Public Hearing was held on April 26, 2001, for public discussion of the EA. A Notice of Availability for the EA was published in five newspapers two weeks prior to the hearing. At this time, agencies and residents also received a mailing regarding the public hearing and availability of the EA for public review and comment. After the Notice of Availability, at the public hearing, and the two weeks following the hearing, the public had the opportunity to provide verbal or written comments, which were included in the official project record. The EA was available for public review at the following seven locations:

Lake County Courthouse
106 4th Avenue East
Polson, MT 59860
Monday–Friday, 8 a.m.-5 p.m.

City of Polson
106 First Street East
Polson, MT 59860
Monday–Friday, 8 a.m.-5 p.m.

Polson City Library
2 First Avenue East
Polson, MT 59860
Monday–Friday, 11a.m.-6 p.m.
Saturday–Sunday, 11a.m. -3 p.m.

Salish Kootenai College Library
5200 Highway 93
Pablo, MT 59855
Monday–Friday, 8 a.m.-4:30 p.m.

The Confederated Salish and Kootenai Tribes of the Flathead Reservation
Highway 93
Pablo, MT 59855
Monday–Friday, 8 a.m.-4:30 p.m.

Montana Department of Transportation
2100 West Broadway
Missoula, MT 59807-7039
Monday–Friday, 8 a.m.-5 p.m.

Montana Department of Transportation
85 5th Avenue East North
Kalispell, MT 59903-0308
Monday–Friday, 8 a.m.-5 p.m.

The public comment period ended on May 11, 2001. Written comments were mailed to the following contact name and address:

Joel Marshik, P.E.
Manager, Environmental Services
Montana Department of Transportation
2701 Prospect Avenue
P.O. Box 201001
Helena, Montana 59620-1001

Copies of the EA were also obtained through MDT at the above address.

4.2 Agency Coordination

Coordination or contact with the following Tribal, federal, state, and local agencies has been conducted to inform them of the project, collect data, or solicit input on the project:

- Confederated Salish and Kootenai Tribe of the Flathead Nation
- Montana Department of Transportation
- U.S. Federal Highway Administration
- U.S. Department of Agriculture, Natural Resources Conservation Service
- U.S. Department of the Interior, Bureau of Indian Affairs
- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service
- U.S. Environmental Protection Agency
- Montana Fish, Wildlife, and Parks
- Montana Natural Heritage Program
- Montana Department of Environmental Quality
- Montana State Historic Preservation Office
- Mission Valley Power
- Confederated Salish and Kootenai Tribal Preservation Office
- Lake County Commission
- Lake County Land Services
- The City of Polson

Formal letters were sent to the Mayor of Polson, the CSKT , and the Bureau of Indian Affairs on May 9, 2000, asking them to be cooperating agencies during the development of this EA. No formal responses were received from the Mayor of Polson or the Bureau of Indian Affairs. On July 26, 2000, the CSKT wrote a letter to MDT declining the request to be a cooperating agency, but desiring to maintain the position of being directly involved in planning and commenting on the proposed project. The following meetings and coordination have taken place with these and other agencies:

- A Preliminary Field Review Meeting with the CSKT , MDT, and Stelling Engineers, Inc., was held on-site on January 11, 1999.

- On February 22, 1999, the BIA wrote a letter to MDT regarding replacing the Polson D Canal along S.R. 35 with 24-inch plastic irrigation pipe. BIA noted maintenance concerns and traffic and safety hazards associated with the canal, culverts, and steep banks. They suggesting relocating the Polson D Canal at MP 1.5 to the south side of the road.

- An MDT Consultant Field Review/Scoping Meeting was held on April 22, 1999. Stelling Engineers, Inc., and MDT staff were in attendance.

- On December 16, 1999, the project team met with MDT to discuss the Draft Traffic and Engineering Report. Issues discussed included future level-of-service options for the rural section, including all traffic alternatives in the EA, traffic volume projections, the break point between the urban and rural sections, truck passing lanes, access management, walkways and bikepaths, the faulty storm drainage patterns, and extending the project limits through Fulkerson's Corner.

- On December 22, 1999, MDT wrote a letter to the CSKT regarding the Tribe's request to extend the project limits through Fulkerson's Corner. MDT stated willingness to partner with the CSKT to improve the stream crossings at Ducharme, Moss, and Centipede creeks. However, MDT does not want to extend the project limits, because there are no long-term plans for additional S.R. 35 projects along the east side of Flathead Lake. Also, the current project limits slow the traffic down by using the narrower roadway through Fulkerson's Corner and not tie MDT into a specific alignment through the curve for future projects. In addition, 805 m (0.5 mi) east of the project limits are environmentally sensitive and include Ducharme, Moss, and Centipede creeks, which may delay improvements to S.R. 35.

- On June 30, 2000, Stelling Engineers, Inc., met with local agencies at the Tribal complex in Pablo and conducted a technical review of the S.R. 35 preliminary plans and discussed the proposed impacts to irrigation facilities.

- On July 26, 2000, the CSKT wrote a letter to MDT declining MDT's request for the CSKT to be a Cooperating Agency on the S.R. 35 reconstruction project. The CSKT did request the position of being directly involved in planning and commenting on the proposed project (Appendix A).

- On July 28, 2000, an alignment and grade review meeting was held at the CSKT complex in Pablo. The purpose of the meeting was to acquaint the CSKT, the City of Polson, the Flathead Irrigation Project, and Lake County with the proposed project and answer questions. Stelling Engineers, Inc., presented the design alternatives and the project schedule.

- On August 21, 2000, a work session was held at the Polson City Hall. The session reviewed and edited the proposed access management guidelines and reviewed the preliminary plans for access management. Representatives from MDT, Lake County, the City of Polson and Stelling Engineers, Inc., attended the meeting. The CSKT Transportation Planner was unable to attend.

- On August 25, 2000, the City of Polson wrote a letter to MDT stating that the City would like a reverse frontage road incorporated on the north side of S.R. 35 extending east from the U.S. 93 intersection. The City would also like two lanes of eastbound traffic on S.R. 35 from the intersection.

- On September 1, 2000, the CSKT provided Stelling Engineers, Inc., comments on the S.R. 35 Access Management Guidelines. Specific recommendations were provided for the developed, intermediate, and rural areas, as well as existing access, new access, and land use changes.

- On October 12, 2000, the project team met with MDT to discuss the preliminary draft EA comments. Issues discussed included level-of-service requirements, the MDT Route Segment Plan, and auxiliary lanes. Based on the comments and discussion, a secondary and cumulative impacts section was added to the draft EA.

- On November 2, 2000, Stelling Engineers, Inc., met with the CSKT Water Management Program and Flathead Irrigation Project personnel to discuss storm drainage and irrigation issues along the project corridor. Stelling Engineers, Inc., described the five drainage alternatives in the Preliminary Hydraulics Report, and focused on Option 2B, which routes drainage from the west half of the project to a detention pond that drains to the Polson B Canal. The CSKT recommended adequate removal/controls for sediment, dissolved nitrate, sediment-attached phosphorus, and oil/grease from storm water before discharge to the canal.

- On January 15, 2001, The City of Polson sent a letter to MDT discussing the water main relocation for the construction of S.R. 35. The City stated that due to the cost of other water improvements, the City does not want to pass the water main reconstruction cost on to customers and cannot afford the improvements.

4.3 Summary of Public Comments

November 4, 1999, Public Open House and Meeting – A total of 12 written and 19 verbal comments were received from the public at the open house and meeting. Many comments covered a variety of topics. Eight comments noted congestion, traffic, safety, speed, and collision concerns along S.R. 35, and two comments focused on the need for wider shoulders. Nine comments focused on the S.R. 35/U.S. 93 intersection, the need to expand the intersection, get rid of the righthand merge lane, and reduce the S.R. 35 approach grade to accommodate truck traffic. Three comments focused on the need for better business and residential access, and two comments noted the need for landscaping and to prevent the loss of trees from construction. Five comments were for and two comments were against the development of pedestrian/bikepaths and sidewalks along S.R. 35. Three comments were received to extend the project limits to Fulkerson's Corner and include Ducharme, Centipede, and Moss creeks. Five people commented on the various roadway alternatives and three people wanted the project schedule accelerated. One comment stated that stormwater periodically floods Eagles' Nest R.V. and that upgrading the system should take place before the S.R. 35 reconstruction to solve this problem.

August 22, 2000, Public Open House and Meeting – Twenty-five verbal and three written comments were received from the public at the open house and meeting. The verbal comments are summarized first. Three comments focused on the need for a storm drain system to divert water and collect existing runoff. Two comments asked about the EA process: if there is a need for an Environmental Impact Statement and if it is appropriate for the EA to focus on the Preferred Alternative. One comment asked why propose two eastbound lanes and one westbound lane from the U.S. 93/S.R. 35 intersection, which were designed to provide better access to the businesses on the south side of the road. Four questions focused on access alternatives at Safeway Drive, for Wal-Mart, for the 4B's Restaurant, and for individual landowners.

Four comments focused on the need for the reconstruction of the U.S. 93/S.R. 35 intersection for pedestrian safety and speed concerns, and one person asked if the speed limit would be changed along the corridor. One individual asked if Hawk Drive and Orchard Lane would be realigned and another person was assured that the S.R. 35 reconstruction would match the new grade and curb poured at Haack Road. To address another question, MDT stated that the project did not include Fulkerson's Corner. Two questions focused on construction schedule, which is anticipated to extend from 2004 to 2006. The design plans will be updated to match new road conditions. One question focused on access to business during construction and whether night construction would be possible, although nighttime noise would be an issue. MDT said they would put together a construction sequencing plan to minimize impacts to businesses. One person mentioned that a fire station may be proposed along the corridor, and one comment noted that they liked the mail box turnout detail. Two questions focused on ROW acquisition and the need to control highway runoff.

Of the three written comments received, one comment stated that there should be no lighting past Heritage Drive so as not to ruin the rural setting. One comment stated that the Gauthier property needs to retain two access drives for business needs (i.e., big trucks, employee, and customer parking), and the third comment stated that the Gochis property access needs to accommodate 18-wheel trucks, their 29 ft motor home, and their cherry stand.

April 26, 2001, Public Hearing – Verbal comments were received at the EA public hearing. The majority of the comments came from several business owners. Two owners objected to the Frontage Road (Alternative #3), because the construction of a Frontage Road might impact patronage and access to their businesses during construction. One individual preferred the Raised Median alternative (Alternative #2), a restricted left turn, to relocation of the businesses along the south side of S.R. 35. One businesses owner noted that if the Frontage Road businesses had to move due to loss of patronage, then their signage would have to meet the new requirements. Also, they feared that drivers would use of the Frontage Road as a shortcut around the U.S. 93/S.R. 35 stoplight. The Frontage Road configuration would provide difficulty or confusion for customers in reaching businesses, and potential loss of parking space due to the construction of the Frontage Road. A business owner stated that the coordination and involvement of owners and businesses in the project had been good and that

relocation of his business (Tradewinds Realty) would be all right because he favored the Frontage Road alternative. He requested as long advance notice as possible before relocation would be required.

Three comments were received that the combined widths of the proposed bikepath, sidewalk and landscaping along the Frontage Road would take up too much space. A comment was also voiced that landscaping along the Frontage Road may obstruct the view of signage or business from S.R. 35. One comment was in favor of the bikepath and lighting plans. One comment expressed concern that storm drainage from the Frontage Road would flow overland to the golf course. Another owner asked how many curb cuts for access to businesses would be allotted and if fill would be provided for one business.

Five comments referred to the design and mapping of the project: one expressed support for CSKT's concern about wetlands east of the project terminus and the hope that they would be considered in future planning by MDT; one asked for design exception standards to be identified in the EA; one was a request for a final, completed map of the design to be available to the public; one was a request that the design planning for U.S. 93 be closer to completion before the Frontage Road concept were carried forward; and the fifth was that U.S. 93 north of the intersection be included in the functional analysis of the proposed improvements. A recommendation was also made that CSKT jurisdiction in the permitting process should be acknowledged and included in the EA

The question was asked—when and where would construction begin? A request was made that construction not take place between May 15 and Labor Day to avoid the prime tourist season in the area. An owner stated that an EIS should be considered before the S.R. 35 project was undertaken, because of the significance of the socioeconomic impacts to his business. One comment was that notice of the public hearing had been insufficient, because no written notice had been sent to leasees of the business locations.

The public hearing comments are also summarized and addressed in the FONSI. The EA Addendum text has been updated to reflect the public hearing comments.

4.4 List of Preparers

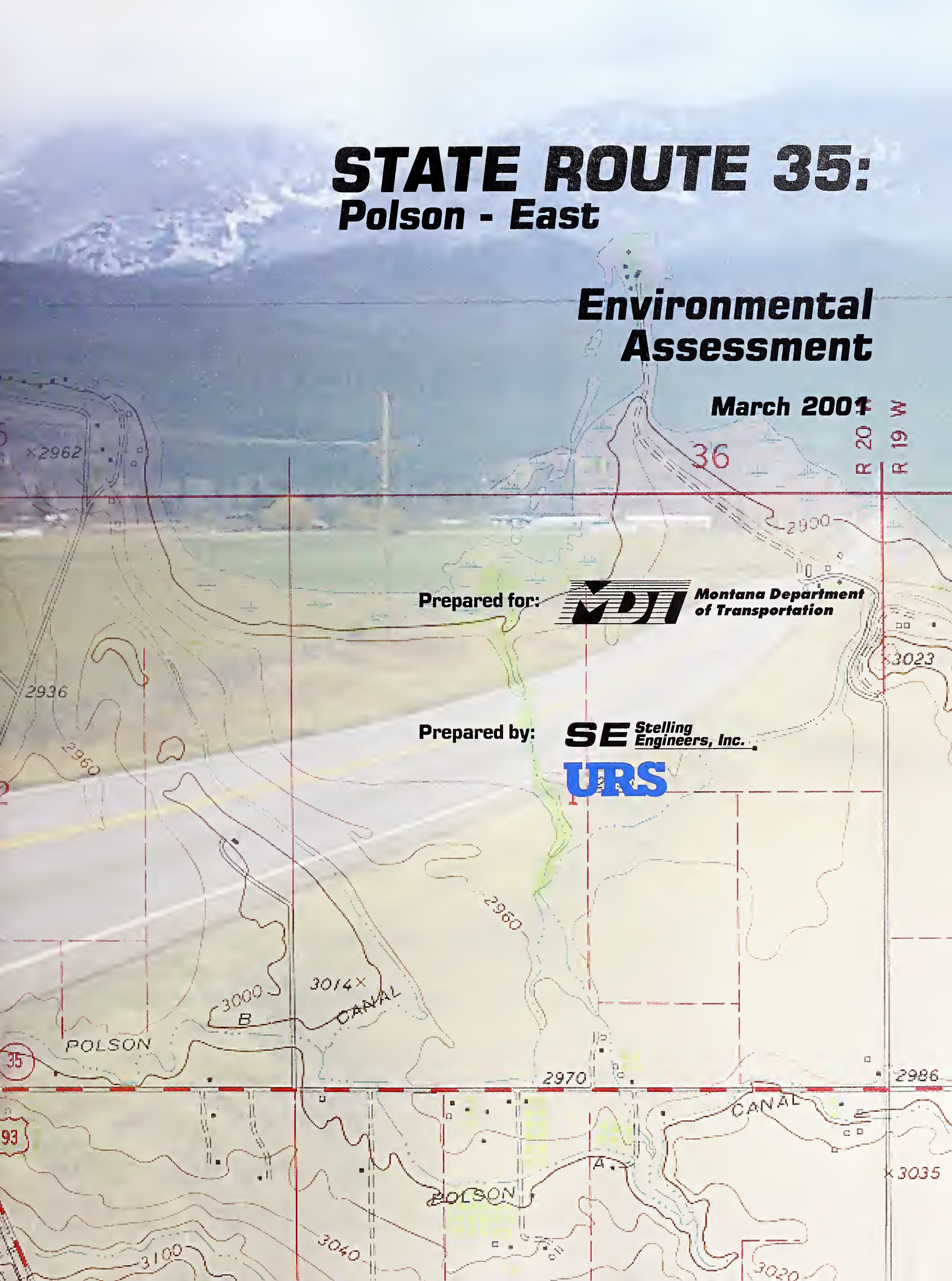
The following table lists those who contributed to the writing and development of this EA.

Table 4.5-1 – List of Preparers

Name	Responsibility
URS Corporation	
Jane Boand, AICP	Project Manager, Section 4(f), technical review
Kristin Connolly, CHMM	Water Quality, Floodplains, Geology and Soils, Hazardous Materials, Public Involvement, FONSI
Kirk Eakin	Wetlands, Wildlife and Fisheries, Vegetation, Threatened and Endangered Species, Permits
David Jones	Land Use, Recreation, Visual Quality, Relocations and Right-of-Way
Cheryl Eckhardt	Socioeconomics, Cultural Resources, Graphics, FONSI
John Van Kirk	Air Quality
Rachel Wieland	Environmental Justice, Farmland, FONSI
Stelling Engineers, Inc.	
Mitch Stelling, P.E.	Project Manager, Access, Right-of-Way, FONSI
Alden Beard, P.E.	Storm-water and Irrigation
Carter & Burgess, Inc.	
Kathy Harris, P.E.	Purpose and Need, Alternatives, Traffic
Big Sky Acoustics, LLC	
Sean Connolly, P.E.	Noise
NTL Engineering and GeoScience, Inc.	
Greg Klein, P.E.	Geotechnical Investigation
Confederated Salish and Kootenai Tribal Preservation Office	
Dave Schwab	Cultural Resource Inventory
Western Eco Tech, LLC	
Jeff Burglund	Biological Resources

Environmental Assessment
for
STPP 52-1(17)0
Polson-East
P.M.S. Control No. 4036

A copy of the Polson-East Environmental Assessment, signed by FHWA and MDT, is attached. This EA was distributed for public and agency comment on April 12, 1001. The comment period ended on May 11, 2001.



STATE ROUTE 35:
Polson - East

Environmental Assessment

March 2001

Prepared for: MDT Montana Department of Transportation

Prepared by: SE Stelling Engineers, Inc.
URS

STATE ROUTE 35: POLSON - EAST
ENVIRONMENTAL ASSESSMENT
Lake County, Montana

MARCH 2001

MDT Project Number
STPP 52-5(17)0, UPN 4036

Prepared For:

MDT

Montana Department of Transportation
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URS

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This Document is subject to a public comment period that ends on May 11, 2001.
Please mail written comments to:

Joel Marshik, P. E.
Manager, Environmental Services
2701 Prospect Avenue
P.O. Box 201001
Helena, Montana 59620-1001

ENVIRONMENTAL ASSESSMENT
for the
RECONSTRUCTION OF STATE ROUTE 35, POLSON-EAST

Lake County, Montana
STPP 52-1(17)0, UPN 4036

March 2001

Submitted Pursuant to:

42 USC 4332(2)(c) 23 USC 128(A), 49 USC 303
and Sections 2-3-104, 75-1-201 M.C.A.

Submitted By:

U.S. Department of Transportation,
Federal Highway Administration

and the

Montana Department of Transportation

This document is prepared in conformance with requirements of the National Environmental Policy Act (NEPA) and contains the information required for an Environmental Assessment (EA) under 23 CFR 771.119 and 40 CFR 1500 to 1508. It is also prepared in conformance with requirements of the Montana Environmental Policy Act (MEPA) for an Environmental Assessment under provisions of ARM 18.2.237(2)(3) and 18.2.239.

Submitted by:

3-29-01
Montana Department of Transportation Environmental Services — Date

Approved by:

3-29-01
Federal Highway Administration — Date

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The following persons may be contacted for additional information concerning this document:

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Helena, MT 59602

Acronyms and Abbreviations

ac	Acre
AADT	Annual Average Daily Traffic
bgs	Below Ground Surface
BIA	Bureau of Indian Affairs
BMP	Best Management Practice
CAA	Clean Air Act
CEQ	Council on Environmental Quality
CO	Carbon Monoxide
CSKT	Confederated Salish and Kootenai Tribe of the Flathead Nation
dBA	A-weighted Decibel
DEQ	Montana Department of Environmental Quality
EA	Environmental Assessment
EIS	Environmental Impact Statement
EPA	U.S. Environmental Protection Agency
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FONSI	Finding of No Significant Impact
FPPA	Farmland Protection Policy Act
ft	Feet
ha	Hectare
km	Kilometer
kph	Kilometer per Hour
$L_{eq}(h)$	Equivalent Level (one-hour period)
m	Meter
MDT	Montana Department of Transportation
mi	Mile
MOA	Memorandum of Agreement
MP	Mile Post
MPDES	Montana Pollutant Discharge Elimination System
mph	Miles per Hour
MRIS	Montana Rivers Information System
MTNHP	Montana Natural Heritage Program
NEPA	National Environmental Policy Act
NFIP	National Flood Insurance Program
NHS	National Highway System
NO_X	Nitrogen Oxide
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
OSHA	Occupational Safety and Health Administration
PM_{10}	Particulate Matter Less than 10 Microns in Diameter
PSD	Prevention of Significant Deterioration
ROW	Right-of-Way
SHPO	Montana State Historic Preservation Office
SKTPO	Confederated Salish and Kootenai Tribal Preservation Office
sq km	Square Kilometer
sq mi	Square Mile
S.R. 35	State Primary Route 35
STP	Surface Transportation Project
Stelling	Stelling Engineers, Inc.
SWPPP	Storm Water Pollution Prevention Plan
TMDL	Total Maximum Daily Load
TWLTL	Two-Way-Left-Turn-Lane
URS	URS Corporation

Acronyms and Abbreviations (Continued)

U.S. 93	....	U.S. Highway 93
USFWS	....	U.S. Fish and Wildlife Service
USGS	....	U.S. Geological Survey
UST	....	Underground Storage Tank
vpd	....	Vehicles Per Day
vph	....	Vehicles Per Hour
VOC	....	Volatile Organic Compound

1.0 PURPOSE AND NEED

1.1 Introduction

The Montana Department of Transportation (MDT) is proposing design improvements along State Primary Route 35 (S.R. 35) along the south shore of Flathead Lake and to the southeast of Polson, Montana (Figure 1.1-1). S.R. 35 is an 80-kilometer (km) (50-mile (mi)) semi-circular route traversing agricultural, timber, residential, and recreational lands south, east, and north of Flathead Lake. The focus of this Environmental Assessment (EA) is a 4.5 km (2.8 mi) portion of the roadway beginning at the intersection of U.S. Highway 93 (U.S. 93) (milepost (MP) 0.0) and S.R. 35 and extending east, ending just west of Ducharme Creek (MP 2.8). The project lies completely within the Flathead Indian Reservation of the Confederated Salish and Kootenai Tribe of the Flathead Nation (CSKT) in Lake County, Montana.

S.R. 35 provides direct access for businesses and residences along its proposed reconstruction route. As the surrounding land use changes throughout the corridor, the roadway function itself changes to accommodate the needs of travelers. Within the city limits of Polson and along the S.R. 35 corridor, the land use is gradually changing from undeveloped, rural land to commercial and residential land uses. As this land use change occurs, the primary need for the east-west roadway connection shifts from mobility (traveling through the area) to access (accessing adjoining lands to serve business or residential needs). This land use change is likely to gradually continue east along S.R. 35. To meet these changing land uses, MDT originally suggested that the reconstruction provide an urban section between MP 0.0 and MP 0.5. During the initial design efforts that incorporated public comments and determination of access density, MDT recommended expanding the urban section to MP 1.6.

1.2 Existing Road Description

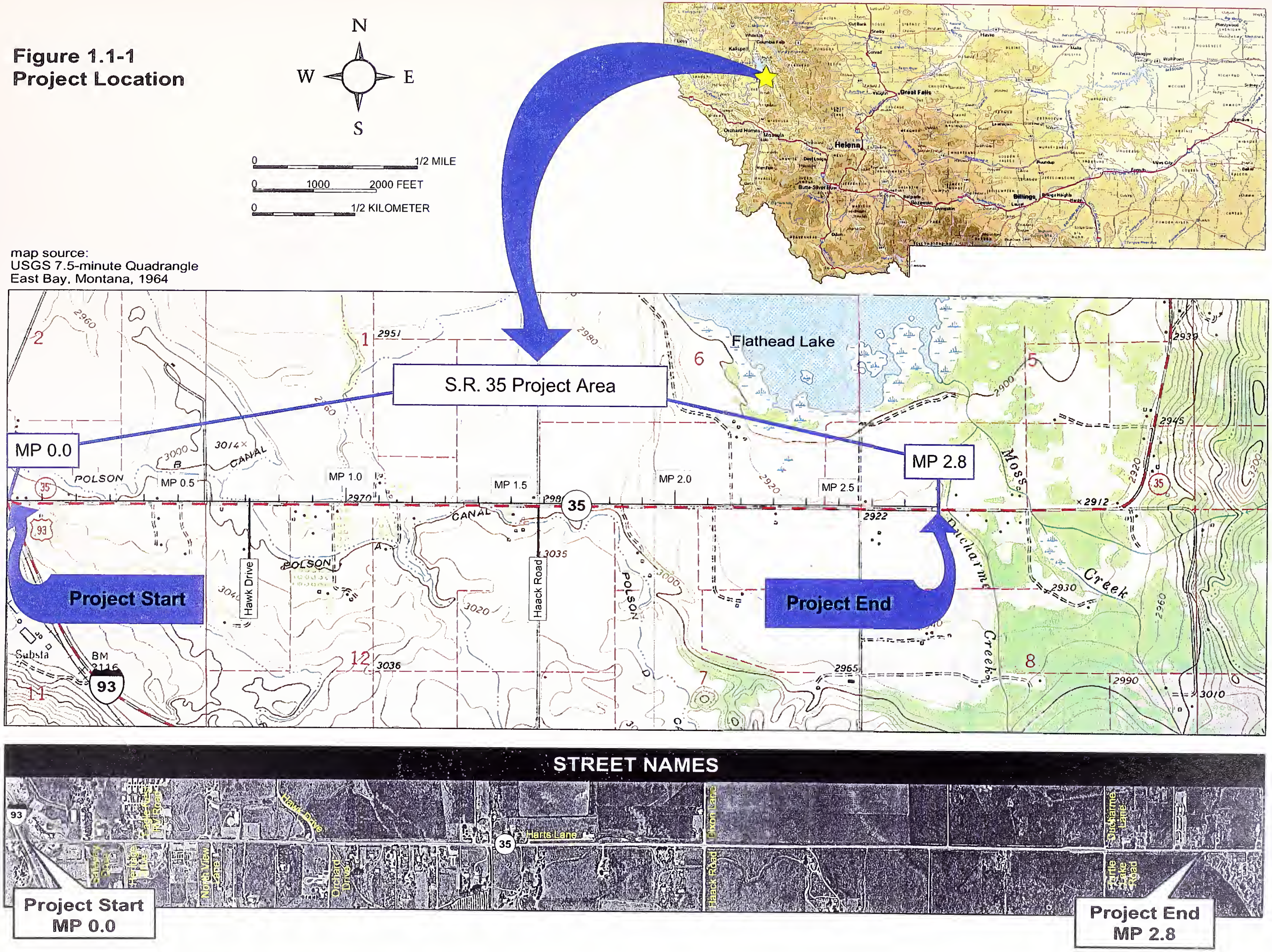
S.R. 35 was originally constructed in 1940 to provide a 7.9-meter (m) (25.9-foot (ft)) paved roadway with 4:1 sideslopes. Currently, S.R. 35 is a straight, narrow roadway with approximately 7.2 m (24 ft) of travel surface (Figure 1.2-1). There are a number of substandard conditions that presently exist along the roadway, including minimal shoulders, few passing opportunities, poor sight distances, few pullouts for vehicle breakdowns or for recovery during emergency maneuvers, and no recovery zone adjacent to the roadway, especially if other vehicles are on the road. In winter, the steep grades on the adjoining driveways and at the S.R. 35 intersection with U.S. 93 cause difficult operating conditions.

S.R. 35 currently is a 40-mile-per-hour (mph) speed zone originating at U.S. 93 and continuing east approximately 600 m (2,000 ft), where it changes to a 50 mph speed zone. The 50-mph speed zone, beginning east of North View Lane continues east 550 m (1,800 ft), where a 60-mph speed zone is signed. The 60 mph speed zone, beginning east of Hawk Drive, continues east approximately 3,650 m (12,000 ft), east of the project limits, where a special 50 mph speed zone begins for the eastside shore of Flathead Lake.

Figure 1.2-1 illustrates the current roadway cross-section and details the roadway features contributing to substandard conditions that include the following:

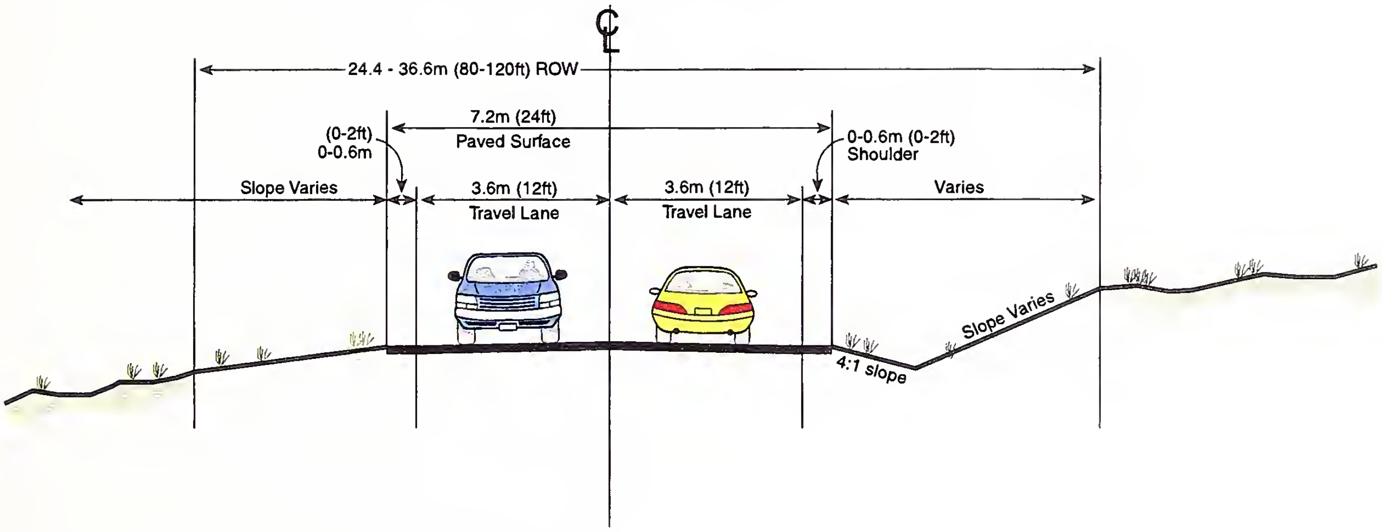
- Narrow roadway lacking shoulder width for recovery, emergency parking, and/or adequate space for bicycle and pedestrian safety;
- Substandard alignment resulting in poor sight distances and few safe passing opportunities;
- Inadequate side slopes or open areas that would serve as a recovery area for errant vehicles;
- Unsafe access into and out of commercial and residential driveways;
- Unrestricted access into and out of commercial and residential driveways;
- Steep side slopes without guardrail protection; and
- Roadside shoulders used for business parking.

Figure 1.1-1
Project Location



map source:
USGS 7.5-minute Quadrangle
East Bay, Montana, 1964

Existing Cross Section



Existing Cross Section
Near Heritage Drive (MP 0.2)

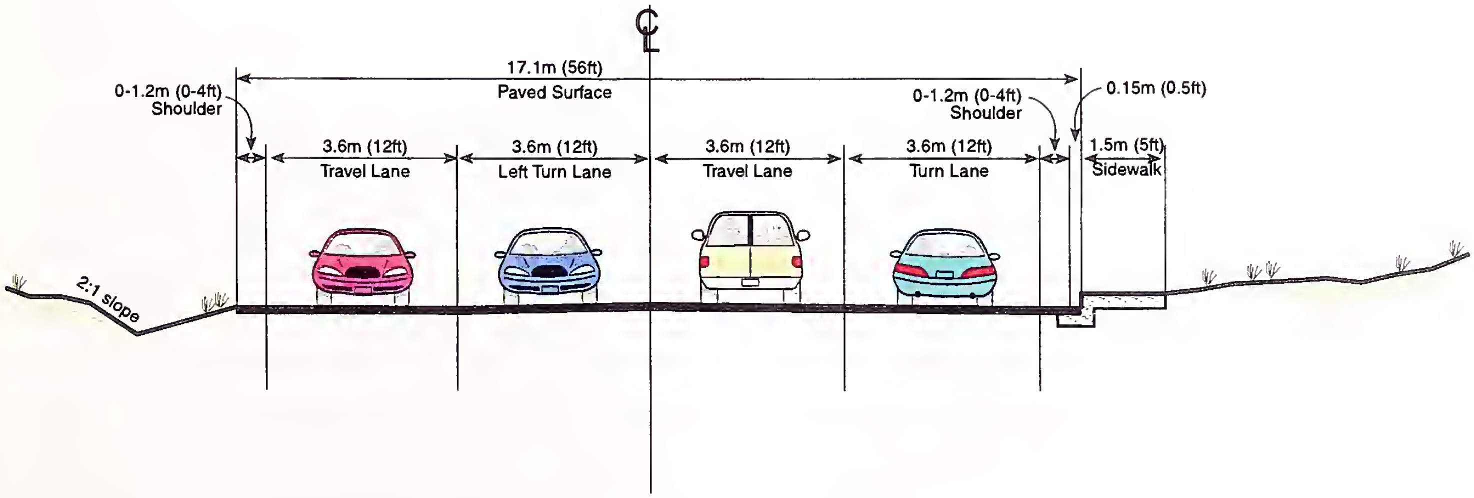


Figure 1.2-1
Existing Road Cross-Sections

Reconstruction of the roadway will improve substandard conditions to currently recognized design standards. Combined with the reconstruction, designation of this portion of S.R. 35 as a limited access facility will enable the consolidation and possible relocation of access points to improve traffic operations and reduce the number of vehicle conflict locations. This reconstruction will also provide pedestrian and bicycle facilities, as requested in public and agency comments.

1.2.1 Roadway Deficiencies

Widening of the existing roadway, providing a clear zone for recovery on the shoulder and adjoining cross-slopes, and improving geometrics will provide a roadway consistent with driver expectations and reduce accident potential. Although the existing accident rates are consistent with statewide rates for minor arterial roads, the growing traffic volumes and increasing development will increase the number of potential vehicle conflicts.

Shoulder and Lane Widths

The existing highway incorporates a shoulder of 0 to 0.6 m (0 to 2 ft) in width, which does not allow through traffic to bypass a vehicle slowing to make a left turn. Similarly, right turning traffic cannot use the shoulder area for right turn deceleration, so through traffic must slow for right turning vehicles at nearly all drives and intersecting streets. Any bicycle or pedestrian traffic may force traffic into the opposing lane to travel around these other travelers.

Alignment

Roadway alignment is a composite of curvature and sight distance, which influences the driver's ability to perceive and react to driving hazards typical on an access-type roadway such as S.R. 35. Traffic safety can be enhanced by flattening curves, as well as widening the lane or shoulder width or providing sight distance for conditions on the roadway ahead (such as a turning vehicle).

Vertical alignment on S.R. 35 restricts sight distance significantly throughout the corridor. Without adequate sight distance, drivers cannot see potential hazards in time to safely make and implement a decision. Turning and through vehicles are impacted at the frequently occurring driveways, at major intersections, and in choosing safe passing zones. The lack of intersection visibility also impacts drivers turning onto S.R. 35 at commercial and residential driveways. The current horizontal alignment has few curves but does not provide transitions into these curves that meet current design standards and driver expectations.

Side Slopes and Clear Zone

The roadway environment, including steep slopes and fixed objects, affects both the likelihood that an accident will occur and the severity of the accident. Once a vehicle has left the travel lane it is up to the driver to regain control of the vehicle and direct it back onto the travel lane. When encroachments prevent drivers from regaining control, accidents occur. In the S.R. 35 area, these encroachments include such objects as trees, fences, steep slopes, irrigation ditches and large rocks.

MDT design criteria for a rural minor arterial establishes minimum clear zone widths based on design parameters. The clear zone is the distance from the edge of the roadway to a fixed object (e.g., tree or light post), including objects in the shoulder and the ditch or fill slope. The clear zone must be free of large vegetation, large rocks, structures, and steep slopes. Only vegetation that is small in diameter (under ten centimeters (4 inches)) and would not grow to a height that would obscure sight distance is allowed in the clear zones. Generally, this includes only grasses and small shrubs. The minimum clear distances vary depending on the side slope and roadway curvature.

1.2.2 Traffic Volumes

Historical traffic data and current volumes from MDT were used to determine the rate of growth and the traffic projections. The historical traffic volumes between 1980 and 1995 ranged from a minimum value of 1,910 vehicles per day (vpd) and a maximum of 5,310 vpd. These historical traffic volumes were evaluated to estimate the continued growth expected on S.R. 35 for the next 20 years. This reconstruction project assumes an average annual growth rate of 2.3%. Forecasted traffic volumes were projected by using 1999 traffic counts as a base year. The ready date (anticipated date that design and environmental clearance would allow construction) for this project is 2003. The existing and projected traffic volumes, based on the annual average daily traffic (AADT), are shown in Table 1.2-1.

Table 1.2-1 – Projected Daily Traffic Volumes

Segment	1999 AADT (vpd)	2003 AADT (vpd)	2023 AADT (vpd)	2023 Peak Hour Traffic (vph)
Urban Section	6,850[1]	7,500	11,850	1,425
Rural Section	4,510[2]	5,060	8,000	960

[1] 1999 Traffic Counts adjusted to reflect a seasonal AADT.

[2] 1998 MDT Adjusted Count.

1.2.3 Non-Motorized Travel

Currently, there are no formal bicycle or pedestrian facilities along the project corridor. Restricted shoulder widths, limited sight distance, and multiple accesses on S.R. 35 create unsafe conditions for pedestrians and bicyclists in the project area. Shoulder widths are constrained and substandard throughout the corridor, and sight distance is limited due to horizontal curvature of the existing road.

Pedestrian activity is increasing in the commercial section in the western end of the project. Local agencies and the general public have repeatedly expressed concern about the lack of safe facilities for pedestrians and bicyclists and the desire for improved conditions to address the non-motorized travel needs.

1.3 Design Issues

1.3.1 Urban and Rural Corridor

Due to varying land use and roadway use, the project is separated into urban and rural sections. The urban section begins at the S.R. 35 intersection with U.S. 93 (MP 0.0) and continues east through the commercially developed area. Limits of the urban section and the transition to the rural section are proposed at approximate MP 1.6, at the intersection with Haack Road/Dixon Lane.

1.3.2 Access Management

Accesses to businesses and residences currently exist along S.R. 35 that do not meet MDT standards and cause safety hazards and traffic slowing. S.R. 35 is not currently a limited access facility. The proposed reconstruction offers the opportunity to control future access. The MDT Missoula District has previously identified the access management goals for this project to include the following:

- Provide reasonable access to property;
- Consolidate existing access points where possible;
- Relocate existing access points from S.R. 35 to adjoining public roadways where possible;
- Utilize the curb and gutter proposed in the urban section to define existing accesses; and
- Use local public road system for access, as available.

The MDT Missoula District's goals are reiterated as follows:

> *"It is the Missoula District's intent to implement access management for the Polson-East project whereby enhancing public safety, to maintain flow and the integrity of the highway, preserve the public's investment in the highway, and reduce future maintenance costs. This would be accomplished by reducing and limiting the number of access points by a number of combinations of the following methods: consolidation, removal, and the use of the local public road system. Access Management Guidelines and Classifications already established or developed through this project would be utilized. Future access requests or change in land use would be required to follow the Access Management Guidelines approved for this project."* (MDT 2000).

1.3.3 Relationship to Design Standards

The MDT has developed Route Segment Plans to plan for long-term improvements on state roadways which are not under the jurisdiction of the National Highway System (NHS). A Route Segment Plan was developed in 1992 that identified roadway widths for roads classified as Surface Transportation Project (STP) routes, such as S.R. 35. This Plan provides build-out criteria used to determine future roadway widths, so that MDT may provide uniform roadways consistent within the route segments. On S.R. 35, the Route Segment Planning guidelines are applied in the rural sections of this project. In the urban sections, the access and mobility on S.R. 35 will supplement the Route Segment Plan in determining the need for travel lanes, auxiliary lanes, and intersection traffic control. The Route Segment Plan identifies a 9.6 m (31.5 ft) surface width for reconstruction of the rural portions of S.R. 35.

1.4 Purpose and Need

The purpose of this project is to upgrade the first 4.5 km (2.8 mi) of S.R. 35 to Montana minor arterial roadway standards and to provide safer traffic operations along the state highway. These improvements will accomplish the following:

- Provide a facility that is constructed to current design guidelines;
- Provide a roadway consistent with MDT's Route Segment Planning efforts;
- Control access in both the rural and urban sections of the project;
- Reduce the number of vehicle conflict points in the urban section by consolidating or relocating existing access points to adjoining roads, and providing turn lanes for turning vehicles;
- Provide access to local properties without requiring significant additional or out of direction travel;
- Enhance mobility by providing auxiliary lanes to accommodate turning vehicles at appropriate locations;
- Provide facilities for non-motorized travelers along the length of the project;
- Minimize impacts to the environment, socioeconomic conditions, and land use; and
- Minimize right-of-way (ROW) acquisition.

2.0 ALTERNATIVES

National Environmental Policy Act (NEPA) guidance from the Council on Environmental Quality (CEQ) and Federal Highway Administration (FHWA) guidelines for NEPA actions require the identification and evaluation of all reasonable alternatives and the "No-Action" alternative. Reasonable alternatives are defined by NEPA as those which are technically, environmentally, and economically practical and feasible.

2.1 Alternatives Development

This preliminary draft EA describes and evaluates a range of alternatives that were determined to be reasonable, and recommends a Preferred Alternative. However, the final selection of a Preferred Alternative will not be made by the FHWA until after public and agency comments are received and addressed and a final EA is prepared. A Finding of No Significant Impact (FONSI) will be issued if it is determined that an Environmental Impact Statement (EIS) is not required. The FONSI will document the Preferred Alternative.

Primary criteria used to determine whether or not a design alternative met the Purpose and Need for the project and should be advanced for further study in the EA included the following:

- Does it resolve roadway deficiencies?
- Does it conform to MDT's Route Segment Plan?
- Will it incorporate the access control objectives?
- Does it improve non-motorized travel?
- Does it significantly impact ROW requirements?
- Does it conform with public input?
- Does it cause negative environmental, socioeconomic, or land use impacts?

A number of alternatives for improvement to S.R. 35 were developed and considered as an element of this EA process. Alternatives for the proposed roadway improvements were identified for both rural and urban portions of the corridor because of the varying road usage along the roadway project length. The urban section, characterized by high demand for local access and slower operating speeds, extends from the project start at MP 0.0 for the first 2.5 km (1.6 mi) east. The rural section, which experiences higher travel speeds and fewer turning vehicles due to fewer driveways, includes the remaining eastern portion of the project.

S.R. 35 is classified as a minor arterial with characteristics of both urban and rural roadways. Roadway design for this type of arterial varies between urban and rural land uses to meet the needs of travelers. Urban roadways typically operate at lower speeds allowing greater access (more driveways and associated turning movements) while overall through traffic flow has a lower priority. In rural sections, roads typically operate at higher travel speeds, which provide increased mobility with less access to adjoining land uses. Currently, S.R. 35 provides both regional mobility and local access. S.R. 35 is the regional roadway connection to the east and north, an important recreational and business roadway link.

Project limits were established at the junction with U.S. 93 and at MP 2.8. Milepost 2.8, the eastern terminus, was established to ensure that any improvements (if constructed) would terminate prior to Fulkerson's Corner, a sharp roadway curve to the north with a low design speed and unique environmental conditions. To ensure safety of the traveling public, vehicle speeds need to be decelerating prior to entering this curve, so that drivers recognize changing roadway conditions. Ending the project limit just west of and prior to Ducharme Creek allows for an appropriate transition to the existing roadway and does not terminate the roadway project within the environmentally sensitive area encompassing Ducharme, Moss, and Centipede creeks (see Figure 1.1-1).

Project build alternatives will be designed to minor arterial roadway guidelines for both rural and urban sections, in accordance with MDT Geometric Design Standards. Design speed is the maximum safe speed that can be maintained over a specified section of highway when conditions are so favorable that the design features of the highway govern. MDT has proposed that the urban roadway reconstruction provide a 70 kilometer-per-hour (kph) (44 mph) design speed, while the rural roadway section would provide a 90 kph (55 mph) design speed.

2.2 Urban Section Alternatives

MDT standards for lane widths in the urban section are 3.6 m (12 ft) travel lanes, 4.2 m (14 ft) two-way-left-turn-lane (TWLTL), 3.6 m (12 ft) turn lanes, 0.6 m (2 ft) inside and outside shoulders, 0.6 m (2 ft) curb and gutter and minimum 1.6 m (5 ft) sidewalks. The proposed design speed of 70 kph (44 mph) for the urban section will be maintained. Based on public and agency comments received during the initial stage of the project design, urban reconstruction will provide non-motorized use facilities (sidewalk and bikepath) and storm water management.

The urban reconstruction will include improvements to the U.S. 93/S.R. 35 intersection, currently a signalized, skewed intersection with a steep grade on the S.R. 35 east approach. Any improvements are limited to S.R. 35 reconstruction only and will not address deficiencies on U.S. 93 which is outside the scope of this project.

The CSKT recently completed improvements to Haack Road, located at approximate MP 1.6. The improved Haack Road provides a paved, two-lane road with a curb and gutter section along with a sidewalk along the west edge. Haack Road connects to the Turtle Lake Subdivision and other housing units south and east of the S.R. 35 project. These improvements, combined with additional residential development, are expected to attract travelers to Polson via Haack Road. The sidewalk development along Haack Road also provides an important pedestrian link from residential land uses to S.R. 35, the major transportation corridor in the area. Any No-Build or Build alternatives will utilize the completed Haack Road. Based on these standards and suggestions, the following alternatives were carried forward for the urban corridor.

2.2.1 Urban Alternatives Advanced

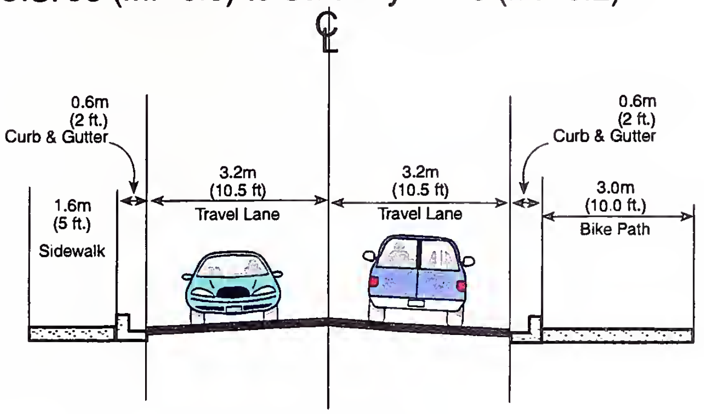
No-Action Alternative

The No-Action Alternative will provide no improvements to the existing roadway cross-section. Roadway maintenance will continue to be provided. Access control would not be applied to the project.

Three-Lane Urban Alternative With Frontage Road and With Auxiliary Lane

This alternative includes one 3.6 m (12 ft) travel lane in each direction with a 4.2 m (14 ft) TWLTL transitioning into a left turn lane at major intersections. Major intersections are identified by traffic volumes and include U.S. 93, Frontage Road, Heritage Drive, Eagle Nest RV Road and Hawk Drive, (Figure 2.2-1). This alternative maximizes safe turning opportunities into and out of driveways throughout the urban section while lessening the ROW requirements. Access control will be applied to improve traffic flow and maximize safe turning opportunities. The introduction of a TWLTL introduces a turning lane for both directions of travel, which may introduce some vehicle conflicts due to the overlapping access locations. Right turning vehicles may slow through traffic operations due to their deceleration in the through travel lane while preparing for the turning maneuver.

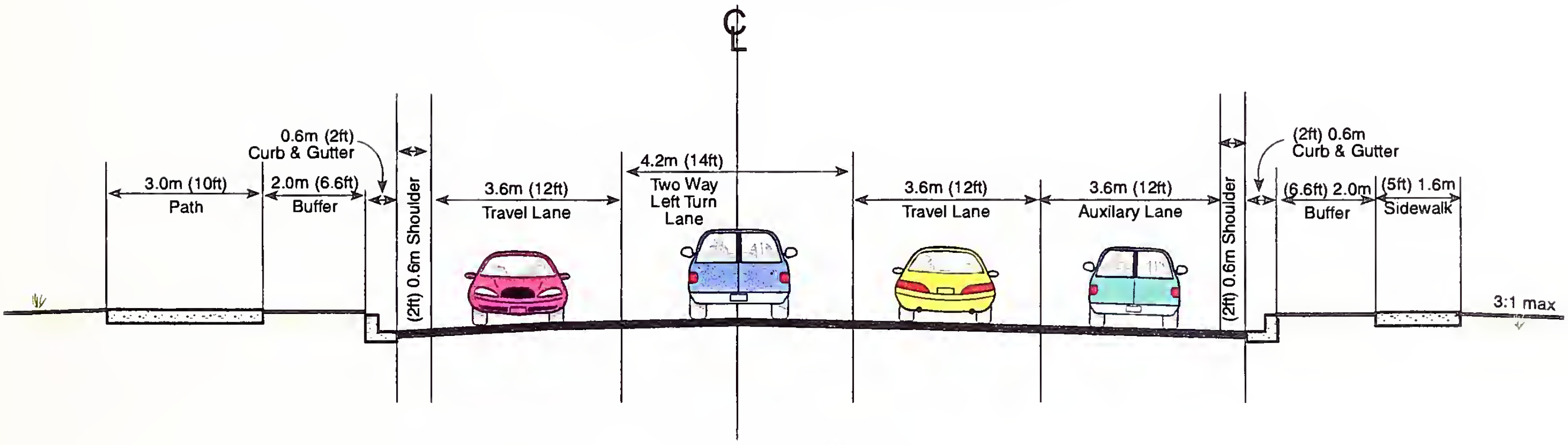
Frontage Road at U.S. 93/S.R. 35 Intersection
Two Lane
U.S. 93 (MP 0.0) to Safeway Drive (MP 0.2)



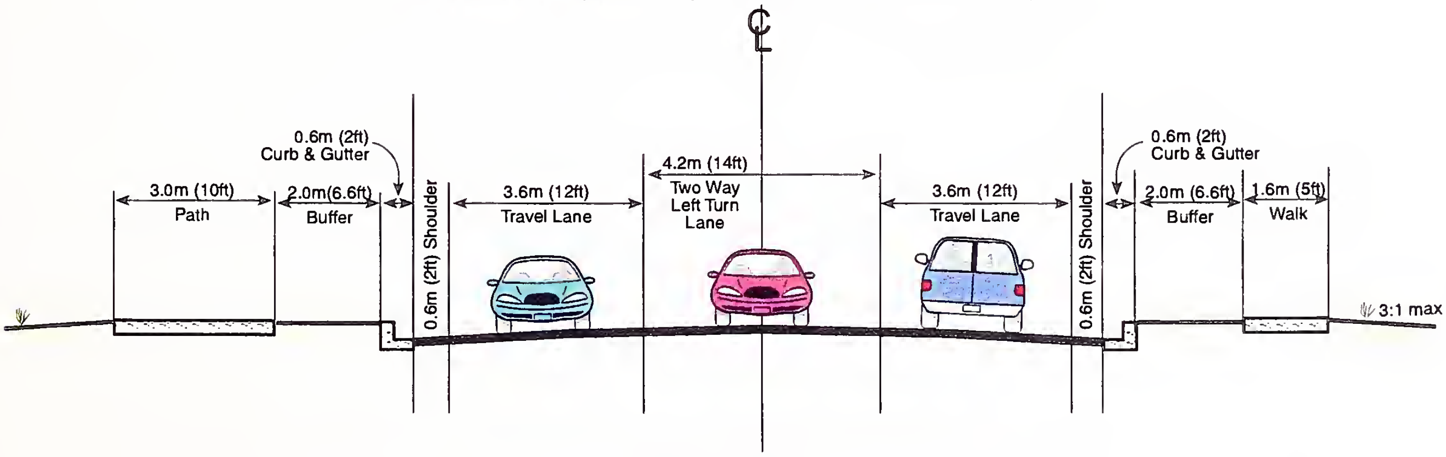
℄
0.6m (2 ft.) Curb & Gutter
1.6m (5 ft.) Sidewalk
3.2m (10.5 ft) Travel Lane
3.2m (10.5 ft) Travel Lane
0.6m (2 ft.) Curb & Gutter
3.0m (10.0 ft.) Bike Path

NOTE: The Frontage Road begins along the east side of U.S. 93 approximately 245m (800 ft) north of the junction with S.R.35. The Frontage Road ends along the north side of S.R. 35 approximately 200m (650 ft) east of the junction with U.S. 93.

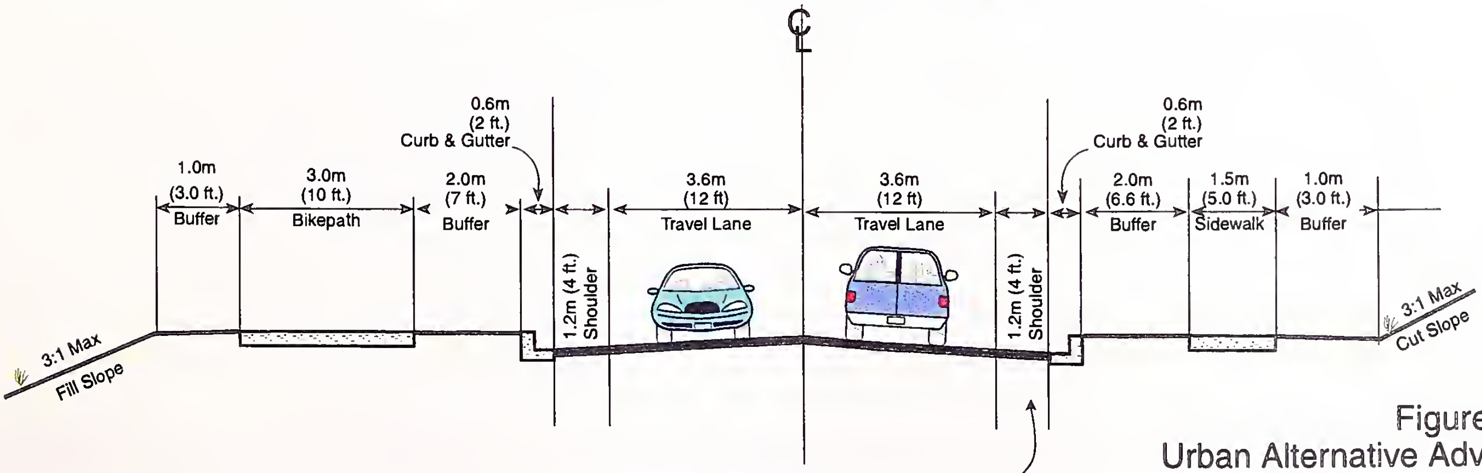
Urban Section
Three Lane Plus Auxillary Lane
U.S. 93 (MP 0.0) to Hawk Drive (MP 0.8)



Urban Section
Three Lane
Hawk Drive (MP 0.8) to Harts Lane (MP 1.3)



Urban Section
Two Lane
Hart's Lane (MP 1.3) to Haack Road (MP 1.6)



NOTE: A 3.60 m (12 ft.) right turn lane is proposed between M.P. 1.5 and M.P. 1.6

Figure 2.2-1
Urban Alternative Advanced

This alternative will provide increased capacity for left turning vehicles and will minimize additional ROW requirements. However, potential vehicle conflicts for right turning vehicles still exist while they are turning from the through travel lanes. This alternative includes a 1.6 m (5 ft) paved sidewalk on the south side of S.R. 35 and a 3.0 m (10 ft) paved bikepath on the north side of S.R. 35 with 2.0 m (6.6 ft) buffer zones between the roadway and sidewalk/bikepath. The Three-Lane Urban Alternative will meet the Purpose and Need of the project as described in Section 1.4, including minimizing ROW requirements and environmental impacts.

2.2.2 Urban Alternatives Considered but Not Advanced

The following four alternatives for the urban section were considered, but dismissed because each failed to meet one or more key elements of the project Purpose and Need as explained under each alternative. Urban alternatives considered but not advanced are shown in Figure 2.2-2.

Four-Lane Urban Alternative

This option would provide two 3.6 m (12 ft) travel lanes in each direction. Turning maneuvers would occupy the through travel lanes for both right and left turning vehicles. Through vehicles, however, would have the opportunity to travel around turning vehicles in the second through lane. A separate 3.6 m (12 ft) left turn lane would be provided at Heritage Drive, requiring five full lanes at that intersection. Access control would be applied to improve traffic flow and maximize safe turning opportunities.

Although this option would provide increased through and turning capacity, it would also require additional ROW. Parking at roadside businesses and driveways would be impacted. Pedestrians crossing S.R. 35 would have a large expanse of pavement to cross, especially at Heritage Drive. This alternative fails to meet the Purpose and Need of the project: to minimize ROW and environmental impacts.

Five-Lane Urban Alternative

A five-lane alternative would provide two 3.6 m (12 ft) travel lanes in each direction plus a 4.2 m (14 ft) TWLTL. Access control would be applied to improve traffic flow and maximize safe turning opportunities. This alternative provides the most vehicle capacity and maintains full turning movements in and out of access points.

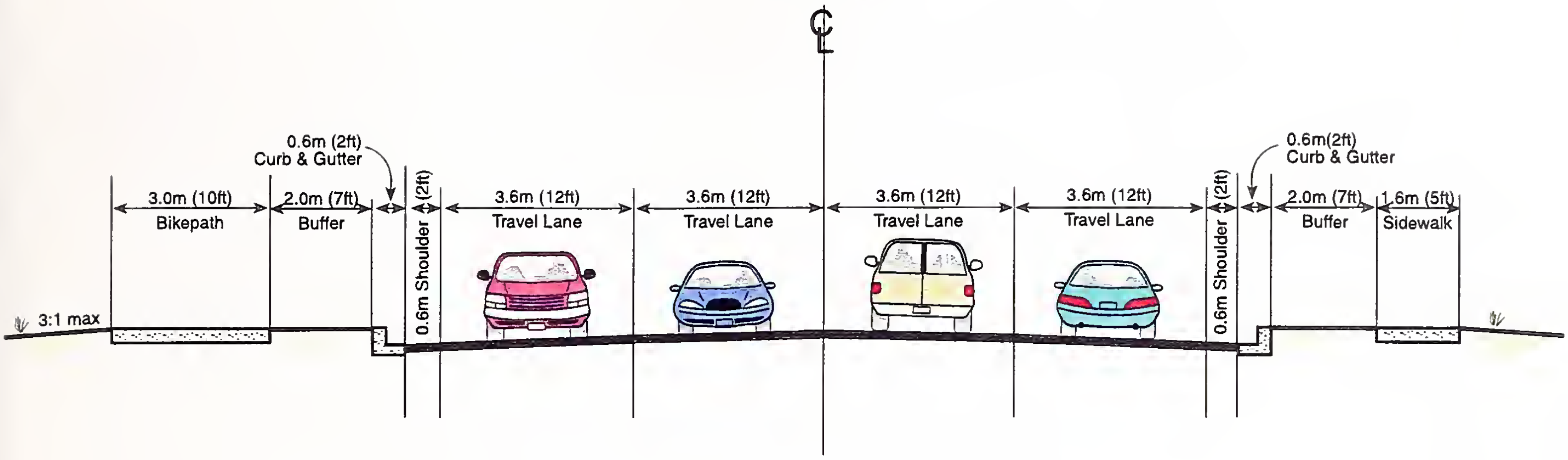
This option would require the greatest amount of additional ROW and have the greatest impact to adjacent properties along the roadway, thereby failing to meet the Purpose and Need for the project. Parking at roadside businesses and driveways would be significantly impacted. Pedestrians crossing S.R. 35 would have a large expanse of pavement to cross.

Combination Three/Four-Lane Urban Alternative

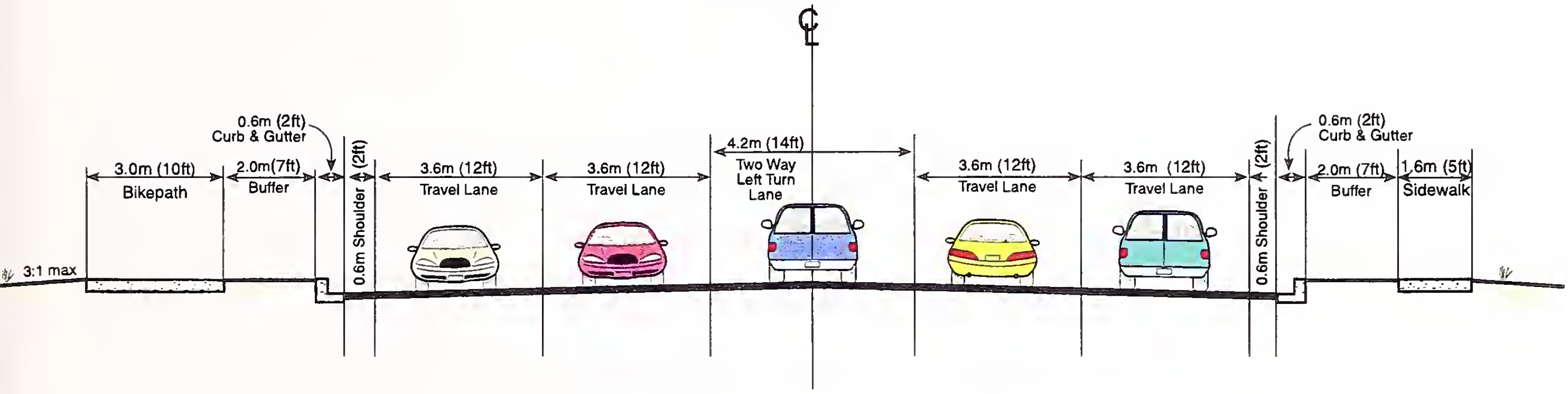
Combinations of the three-lane and four-lane alternatives could also be considered for the project. One option, a four-lane roadway from U.S. 93 to Heritage Drive would provide some consolidation of access points near the U.S. 93 intersection. The four-lane would then transition to a three-lane option to maintain the majority of the existing access points. The three-lane would then transition to match the rural section.

This alternative would provide increased vehicle capacity, especially at the U.S. 93 intersection. Left turn movements to and from driveways would be accommodated outside the through travel lanes. ROW and businesses would experience some impacts, particularly west of Heritage Drive. Pedestrians would require increased crossing time across S.R. 35.

Urban Section
Four Lane



Urban Section
Five Lane



Urban Section
With Raised Median

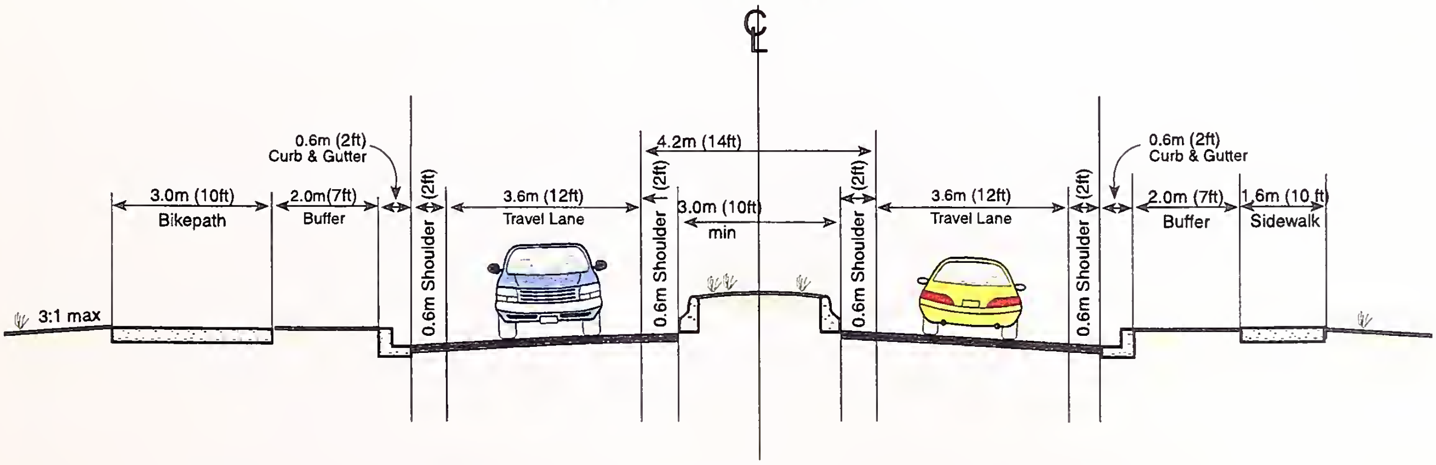


Figure 2.2-2
Urban Alternatives Not Advanced
(Looking East)

This alternative was not advanced, because it would require additional ROW and impact adjacent properties along the existing roadway alignment, thereby failing to meet the Purpose and Need for the project. Adjoining parking would be displaced and driveway grades and locations would be dramatically changed from existing conditions.

Urban Multi-Lane With Raised Median Alternative

An urban section could provide a two, three, or four-lane roadway with a raised median to provide left turn storage at major intersections and driveways. The raised median would provide positive control to turning vehicles and would redefine S.R. 35 access. The alternative includes a left turn lane at U.S. 93, Heritage Drive, Eagle Nest RV Road, and Hawk Drive.

The raised median alternative significantly reduces local access, which would not be replaced without construction of additional connecting roads. Through travel would benefit by the concentration of turning movements at specific intersections. The limitation of turning movements to specific intersections would focus future developments and local roads onto the intersections at median openings.

The option would remove left turn vehicle conflicts from the corridor and concentrate these movements at select intersections. This alternative would work with the construction of a public roadway between Heritage Drive and Safeway Drive; however, no planning or construction has supported a new roadway connection to date. The raised median would also provide a refuge area for pedestrians crossing S.R. 35. It could also be designed to allow landscaping, if a maintenance agreement is completed with local interests who would be responsible for its long-term maintenance.

This alternative was not forwarded because it would require additional ROW and would impact adjacent properties along the existing S.R. 35 alignment, thereby failing to meet the Purpose and Need for the project. Adjoining parking would be displaced. Driveway grades and locations would be substantially changed from existing conditions. Additionally, the left turn access restriction could not be easily replaced on the existing street network. The median would also restrict access to some local businesses and require significant additional or out of direction travel.

2.3 U.S 93/S.R. 35 Intersection Alternatives

The skewed intersection of S.R. 35/U.S. 93 has been a critical intersection for years. In 1994, MDT installed a traffic signal, recognizing this would improve traffic flow to/from S.R. 35 but would not increase roadway capacity. Typically, MDT-signalized installations are designed to accommodate traffic volumes projected twenty years into the future. The S.R. 35/U.S. 93 signal installation was not able to provide an acceptable service for projected traffic volumes, because roadway capacity was not increased at the intersection.

Any improvements are limited to S.R. 35 reconstruction only and will not address deficiencies on U.S. 93 (outside the scope of this project). However, S.R. 35 alternatives will be compared to future U.S. 93/S.R. 35 intersection operations to confirm whether the S.R. 35 improvements would accommodate future improvements to U.S. 93. Based on 2023 projected traffic volumes, the signalized intersection of U.S. 93 and S.R. 35 will require two lanes in both the eastbound and the westbound directions on S.R. 35. (Refer to *Reconstruction of MT 35, Polson-East Revised Traffic Engineering Report*, Carter & Burgess, Inc., June 2000.) The eastbound, right travel lane of S.R. 35 from the U.S. 93 intersection serves as an auxiliary lane for turning vehicles, extending until an appropriate lane drop is designed. The S.R. 35 westbound travel volumes at U.S. 93 require separate right and left turn lanes.

2.3.1 U.S 93/S.R. 35 Intersection Alternative Advanced

No-Action Alternative

The No-Action Alternative will retain the two-lane roadway and existing signal control. Roadway maintenance will continue to be provided. Access control will not be applied to the project.

Realignment of S.R. 35 Alternative

This alternative will modify the U.S. 93/S.R. 35 intersection by realigning S.R. 35 and introducing a Frontage Road in the northeast quadrant, as shown in Figure 2.3-1. The realignment of S.R. 35 improves traffic operations at the signalized intersection by reducing the steep grade on the east leg and by reducing the intersection angle and providing additional turn lanes. The Frontage Road, which introduces access control by providing driveway access off the main thoroughfare, also allows the vertical grade of S.R. 35 to be reduced.

The realignment proposes removal and consolidation of all S.R. 35 private accesses within 200 m (650 ft) of U.S. 93, except the 4Bs Restaurant access. The Tradewinds Realty and Y Ribs properties along the south side of S.R. 35 will be purchased according to applicable law, and the accesses along the north side of S.R. 35 will be relocated onto the proposed Frontage Road.

Eastbound S.R. 35 will require two travel lanes to ensure adequate space for future traffic operations at the signalized intersection of S.R. 35/U.S. 93. The eastbound, right travel lane of S.R. 35 from the U.S. 93 intersection serves as an auxiliary lane for turning vehicles, and will extend until an appropriate lane drop is designed. The S.R. 35 westbound travel volumes at U.S. 93 will require a separate right and left turn lane. Pedestrian crossing times of S.R. 35 will be reduced at the signalized, U.S. 93 intersection and pedestrian facilities will be introduced along both sides of the Frontage Road.

ROW requirements and impacts to the surrounding environment will be minimized under this option while roadway safety will be enhanced. This alternative is consistent with project access control guidelines. This alternative provides a 3.0 m (10 ft) bikepath on the north side of S.R. 35.

2.3.2 U.S 93/S.R. 35 Intersection Alternatives Considered But Not Advanced

The following two alternatives for the intersection were considered but not advanced. A general description of each alternative is provided, with reasons given for its dismissal.

Existing Alignment, No-Access Control Alternative

This alternative retains the existing intersection configuration as shown in Figure 2-3.2A. The only change from existing conditions would be the additional of a separate, right turn lane on S.R. 35 approaching U.S. 93, enabling left and right turning vehicles to proceed separately. No access control would be applied and all existing driveways would be retained.

The steep grade on the westbound (S.R. 35) approach would not be changed, although addition of another (westbound) lane would allow vehicles to travel around stalled vehicles during emergency conditions. Future U.S. 93 improvements would require additional construction on S.R. 35 to maintain travel flow. Pedestrian crossings and driver visibility at the signalized intersection would not be improved.

This alternative was not advanced, because only minimal improvements to existing conditions are provided with the addition of an S.R. 35 turn lane and the construction of sidewalks. No improvements to traffic flow, driver visibility, pedestrian crossing, or limiting turns in the proximity of the intersection are provided. No access control would be provided.

Existing Alignment With Raised Median Alternative

This alternative provides two travel lanes in each direction on S.R. 35, on the existing alignment, with a raised median separating opposing travel directions as shown in Figure 2.3-2B. The raised median would ensure that no left turns occurred in the intersection area, thereby limiting access and reducing accident potential. The raised median would provide some access control by prohibiting left turns. The loss of left turn access to individual businesses would not be replaced.

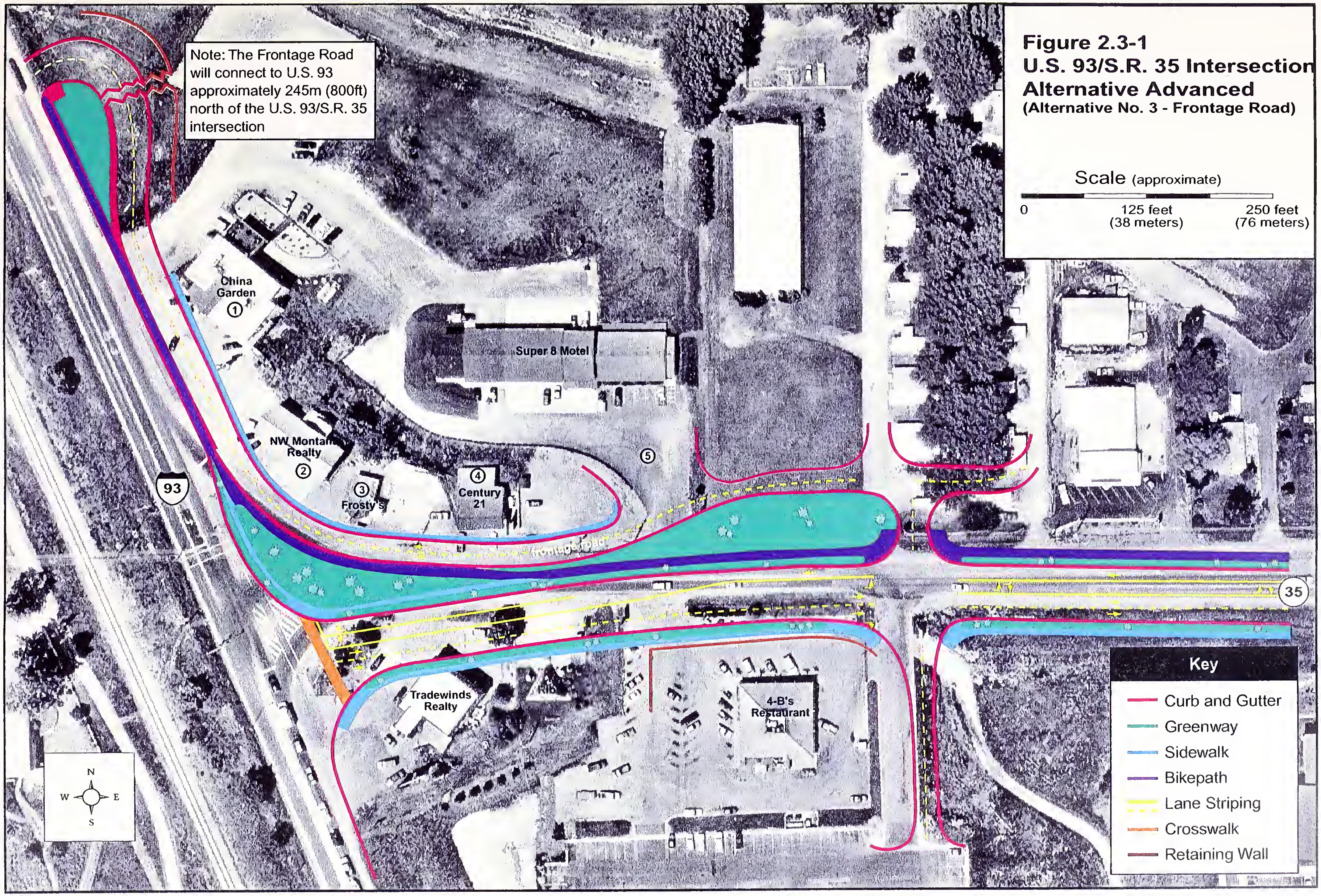


Figure 2.3-1
U.S. 93/S.R. 35 Intersectio
Alternative Advanced
(Alternative No. 3 - Frontage Road)

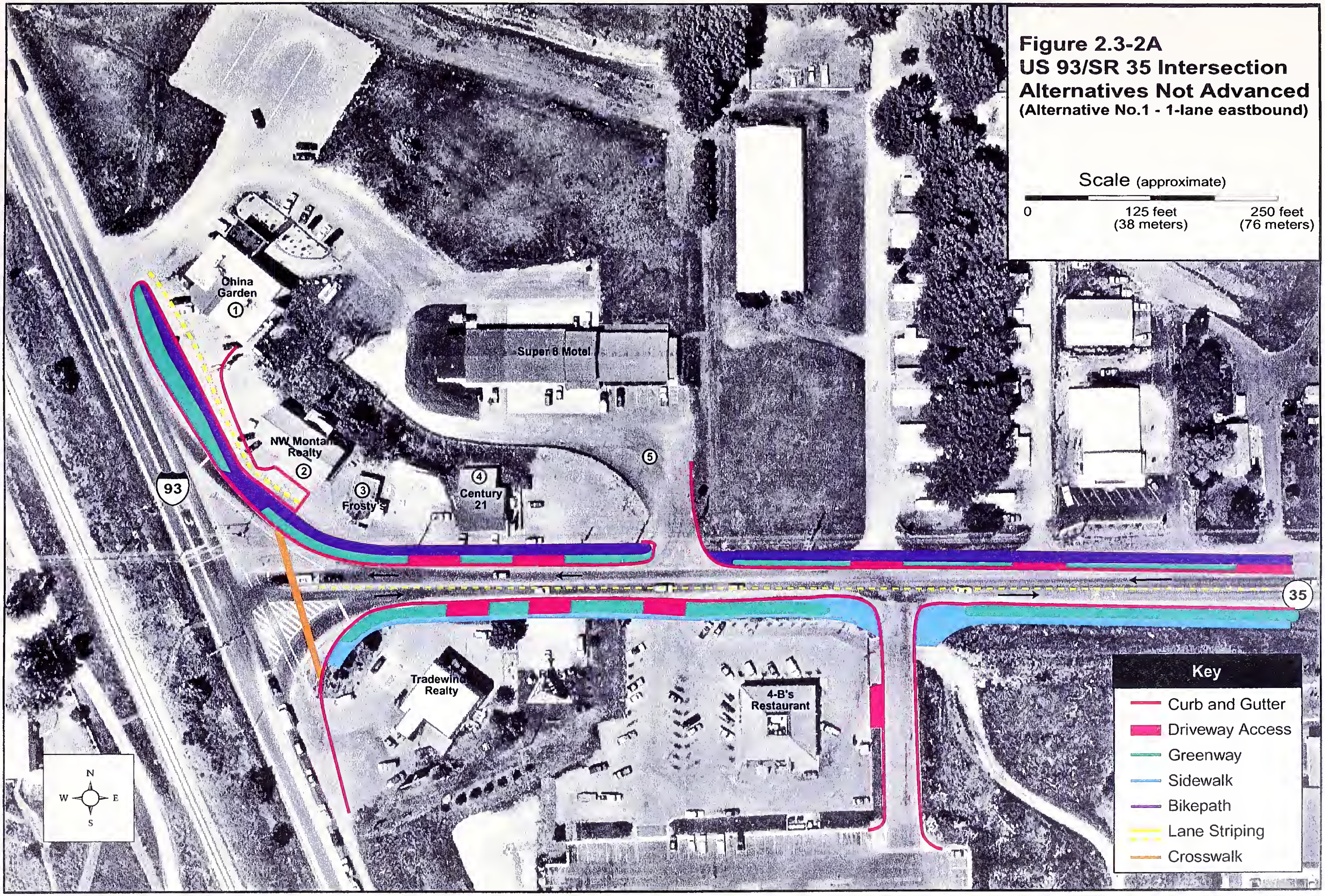


Figure 2.3-2A
US 93/SR 35 Intersection
Alternatives Not Advanced
(Alternative No.1 - 1-lane eastbound)

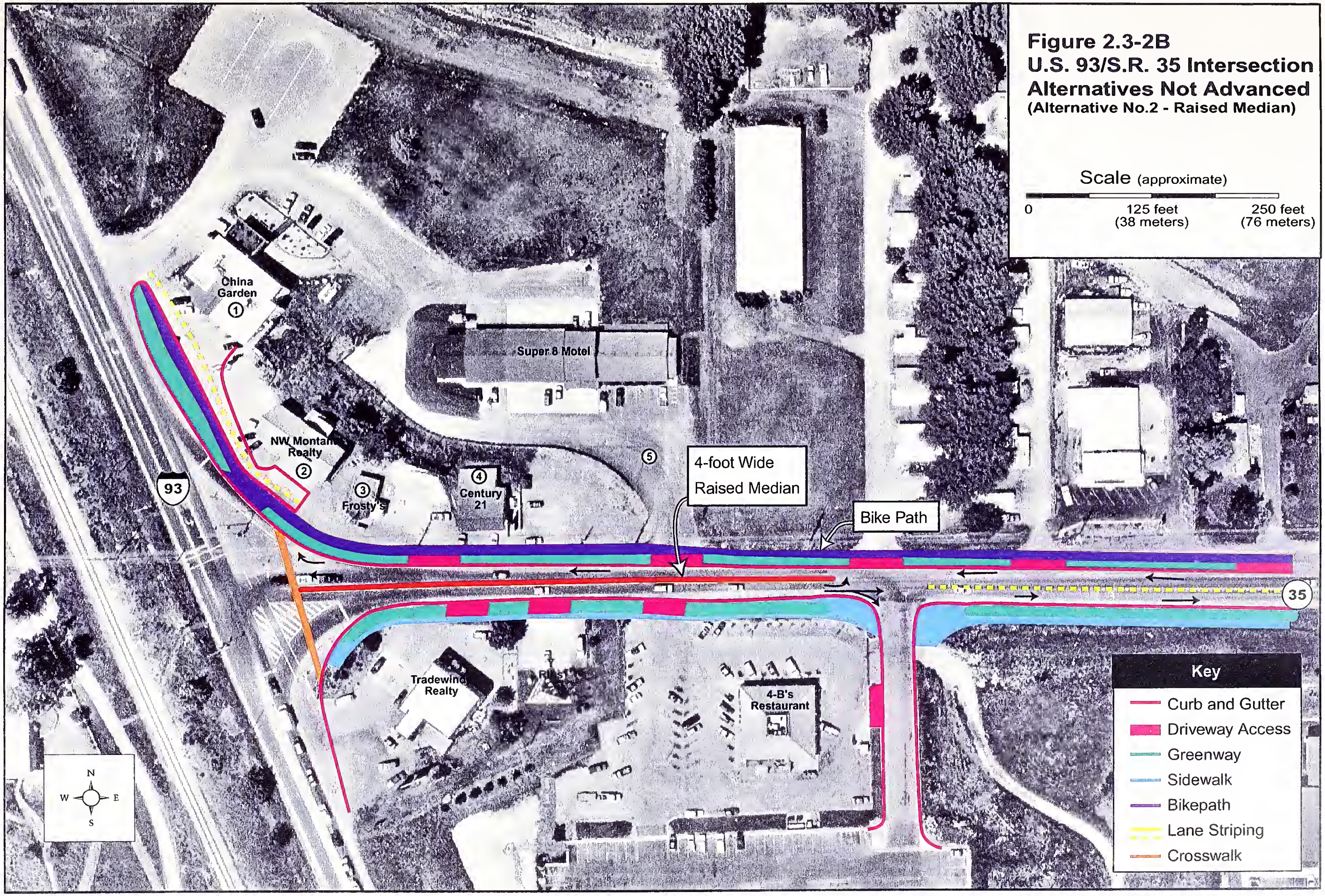


Figure 2.3-2B
U.S. 93/S.R. 35 Intersection
Alternatives Not Advanced
(Alternative No.2 - Raised Median)

The steep grade on the westbound (S.R. 35) approach would not be changed. Future U.S. 93 improvements could require additional construction on S.R. 35. Pedestrian crossing of S.R. 35 would benefit from a raised median at the intersection but pedestrians would be prohibited from crossing until the median terminates. Driver visibility at the intersection would not be improved. This alignment was not advanced because of the significant impact to businesses caused by installing a raised median with no alternate access provisions and the minimal benefit to existing conditions.

2.4 Rural Section Alternatives

Rural design guidelines are proposed for the eastern portion of the road from MP 1.6 to MP 2.8. These guidelines would be in keeping with the existing rural character of the project. MDT's standards for a rural highway are 3.6 m (12 ft) travel lanes, 4.2 m (14 ft) TWLTL, and 1.2 m (4 ft) (minimum) shoulders. MDT's Route Segment Plan recommends a 9.6 m (32 ft) surface width for this section of S.R. 35, with a proposed 7.0 m (23 ft) clear zone for slopes that are 6:1 or flatter. Based on public and agency comments received during the initial stage of the project design, rural reconstruction will provide non-motorized use facilities and storm water management. Based on these standards and suggestions, the following alternatives were carried forward for the rural corridor.

2.4.1 Rural Alternatives Advanced

No-Action Alternative

The No-Action Alternative will retain the existing two-lane roadway. Roadway maintenance will continue to be provided. Access control will not be applied to the project.

Rural Two-Lane – Standard Shoulders Alternative

This alternative includes a minimum level of roadway capacity and safety improvements. It includes shoulders widened to 1.2 m (4 ft) and an improved clear zone along the entire roadway corridor as shown in Figure 2.4-1. Current traffic projections do not anticipate any key intersections meeting the minimum volume requirements for construction of a turn lane. Access control will be applied to improve traffic flow and maximize safe turning opportunities.

ROW requirements and impacts to the surrounding environment will be minimized under this option, while roadway safety will be enhanced. This alternative is consistent with MDT's Route Segment Plan for roadway width. This alternative provides a 3.0 m (10 ft) bikepath on the north side of S.R. 35, between Haack Road (MP 1.6) and Ducharme Lane/Turtle Lake Road (MP 2.6). The bikepath is separated from the roadway by a drainage ditch.

2.4.2 Rural Alternatives Considered but Not Advanced

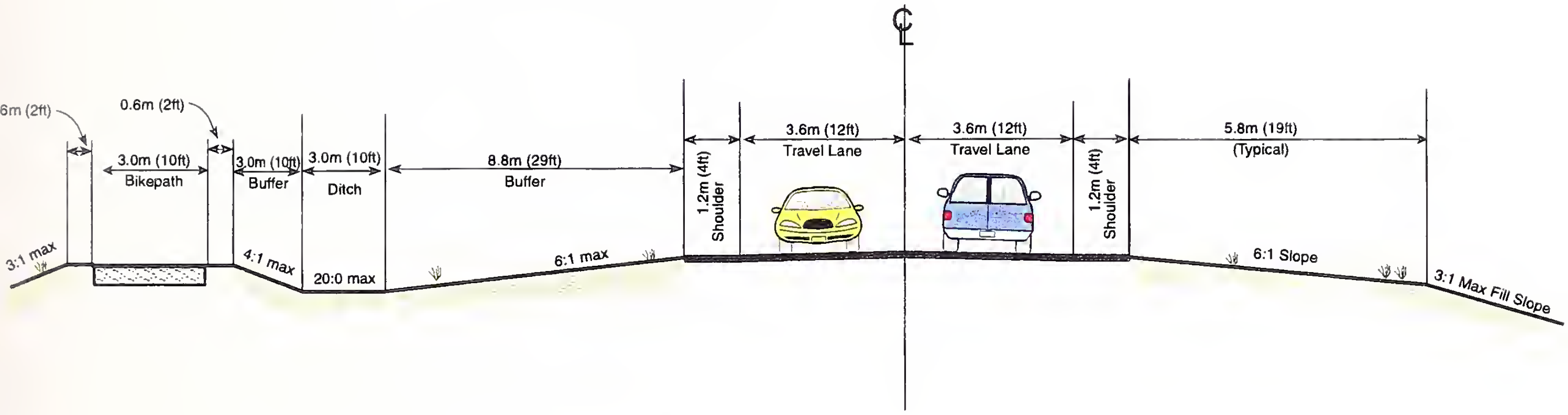
The following four alternatives for the rural section were considered but not advanced (Figure 2.4-2). A general description of each alternative is provided, with reasons given for its dismissal.

Rural Two-Lane – Wide Shoulders Alternative

This alternative provides additional roadway capacity and safety improvements, including shoulders widened to 2.4 m (8 ft), improved clear zone along the entire roadway corridor, and new turn lanes at key intersections. The shoulders would be constructed to provide adequate width for bicyclists to utilize the shoulder, and would allow adequate room for stalled vehicles to park on the paved shoulder without encroaching into the traveled way.

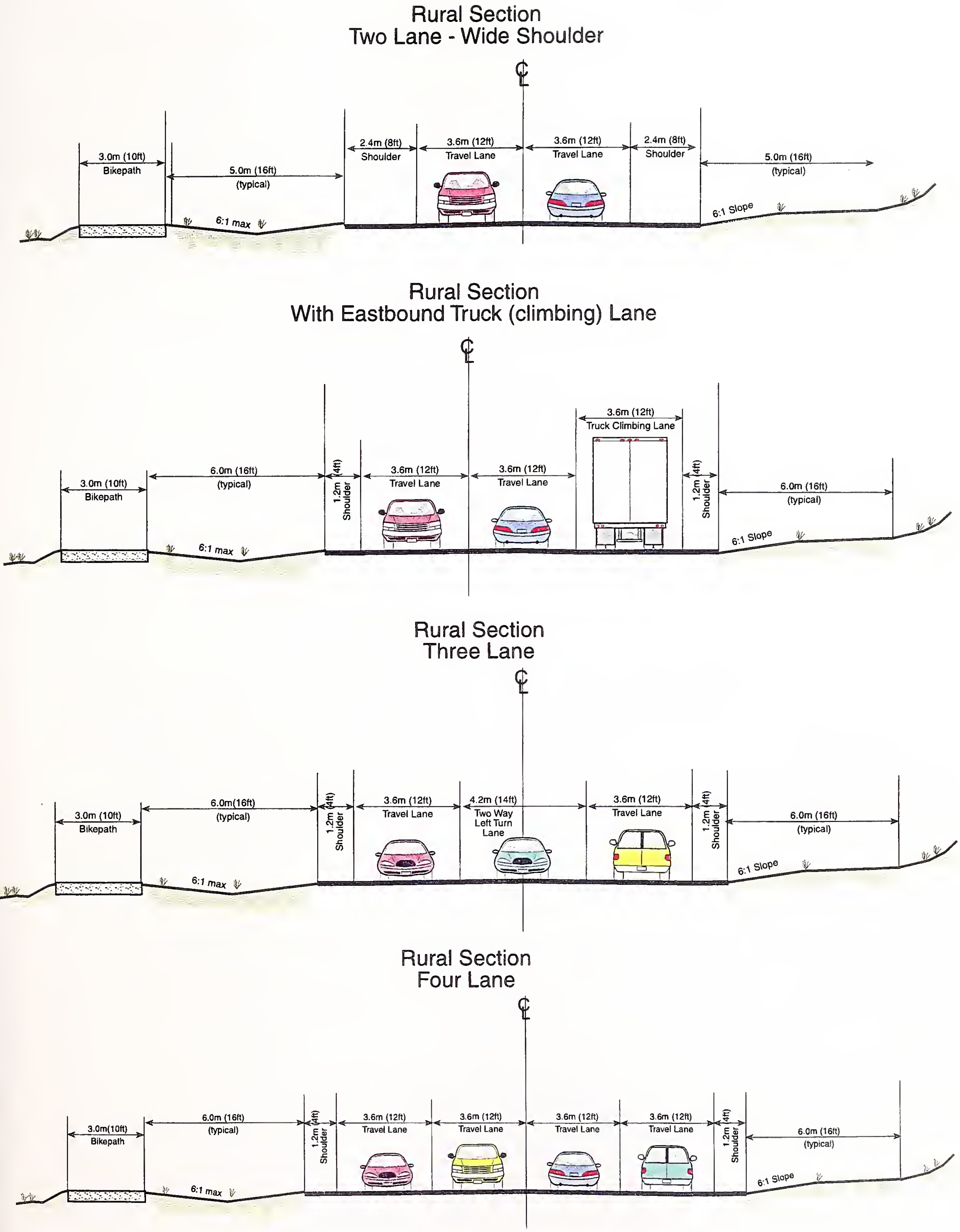
This alternative was not advanced because, although it met many of the criteria, the additional width required for the wider shoulders would impact all driveways and increase ROW requirements. This alternative did not increase roadway capacity above the Preferred Alternative and was not consistent with MDT's Route Segment Plan.

Rural Section
Two Lane
Haack Road (MP 1.6) to Project End (MP 1.8)



Note: Bikepath ends at Ducharme Lane (MP 2.6)

Figure 2.4-1
Rural Alternative Advanced
(Looking East)



Rural Section Two Lane - Wide Shoulder

Rural Section With Eastbound Truck (climbing) Lane

Rural Section Three Lane

Rural Section Four Lane

Figure 2.4-2
Rural Alternatives Not Advanced
(Looking East)

Rural Two-Lane with Truck-Climbing Lane Alternative

This alternative includes new turn lanes and shoulders widened to 1.2 m (4 ft) and clear zone improvements along the corridor. In addition, truck-climbing lanes are used to minimize delay caused by slower-moving vehicles. The location and direction of truck-climbing lanes are defined to allow for passing opportunities in areas where slower traffic is more likely to be encountered (i.e., on steep grades or leaving slower speed areas). Truck-climbing lanes would be designed to terminate prior to introduction of any turning lanes at intersections. The MDT Roadway Design Manual requirements for truck-climbing lanes are not met by the proposed conditions. Therefore, truck-climbing lanes are not recommended for this project.

Rural Three-Lane Alternative

This alternative includes one travel lane in each direction with a 4.2 m (14 ft) TWLTL or left turn lane in the segments of roadway east of the urban section. This alternative would maximize turning opportunities and maintain many of the existing access points. Due to the higher design speed in the rural section, the introduction of a TWLTL introduces safety concerns between opposing traffic utilizing the same turning lane or vehicles using a continuous TWLTL as a passing lane.

This alternative was not advanced because of the increased ROW needs and lack of increased through-vehicle capacity resulting from this alternative. The alternative did not improve the road capacity over the Preferred Alternative and it was not consistent with the Route Segment Plan. Additionally, this alternative introduces a TWLTL in a high design-speed area with numerous overlapping access points, which has the potential to introduce additional vehicle conflicts into the roadway section.

Rural Four-Lane Alternative

Maximum traffic capacity enhancements are included in this roadway improvement concept by incorporating a full four-lane facility along the length of the project. This alternative would provide four 3.6 m (12 ft) travel lanes and 1.2 m (4 ft) shoulders. Passing opportunities would be available in both directions throughout the entire length of the corridor. Through vehicles would have an opportunity to travel around turning vehicles that might be decelerating or stopped.

This option would provide adequate service for future traffic volumes. This alternative would not meet the Purpose and Need for the project, because it would require a significant amount of ROW and impact adjacent properties along the existing roadway alignment. This alternative would also not be consistent with MDT's Route Segment Plan. Therefore, this alternative was not forwarded.

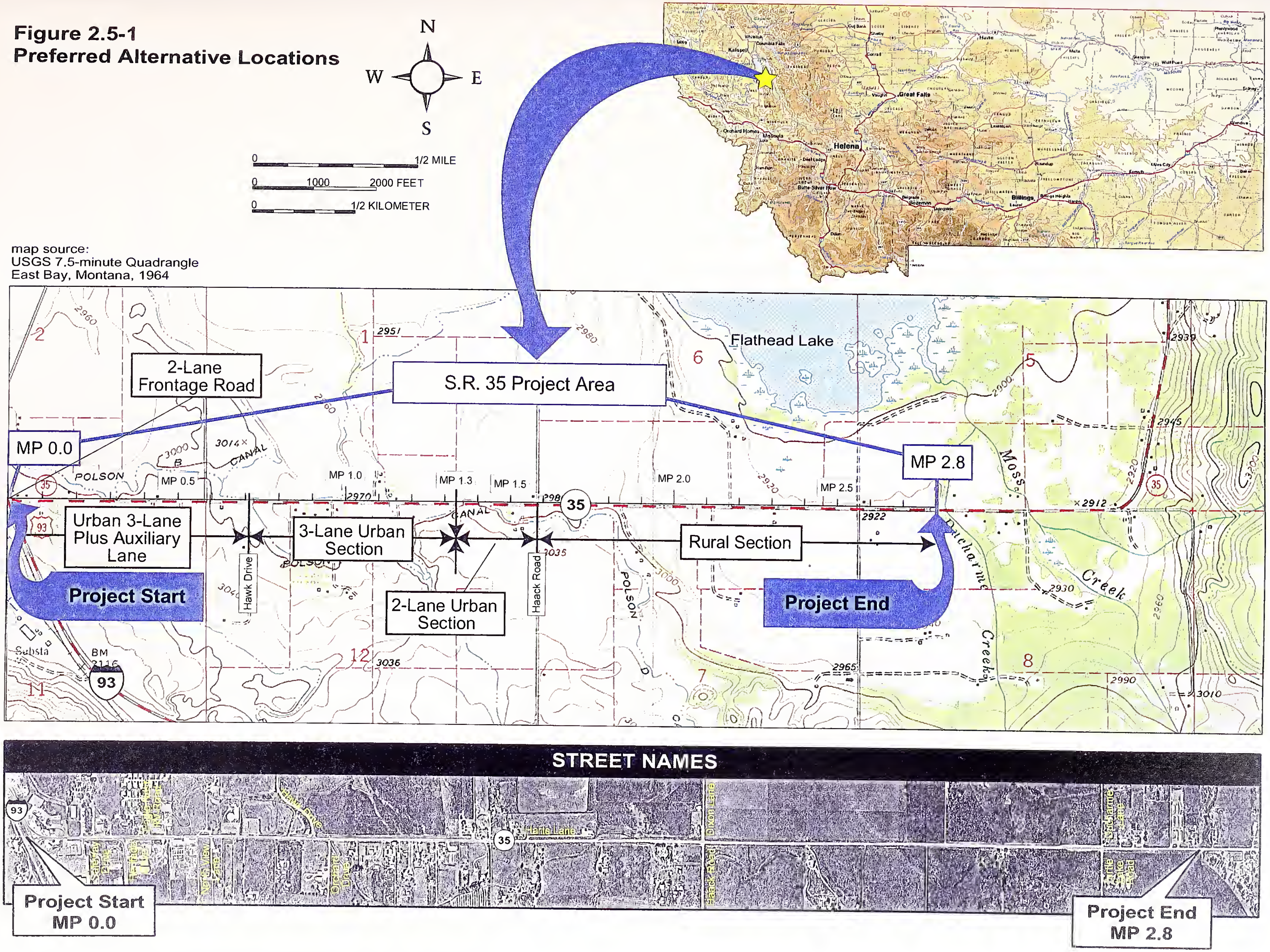
2.5 Preferred Alternative

The No-Action Alternative and the build alternatives were compared using criteria discussed in Section 2.1. Because the No-Action Alternative does not meet the Purpose and Need, the Preferred Alternative is a widening of the highway to provide improved shoulders, geometry and turn provisions (Figure 2.5-1). At the time of the writing of this document, the estimated cost to construct the Preferred Alternative, including utility relocation and ROW acquisition, is $12,075,000.

U.S. 93/S.R.35 Intersection Alternative (U.S. 93 to Safeway Drive, MP 0.0 – MP 0.2)

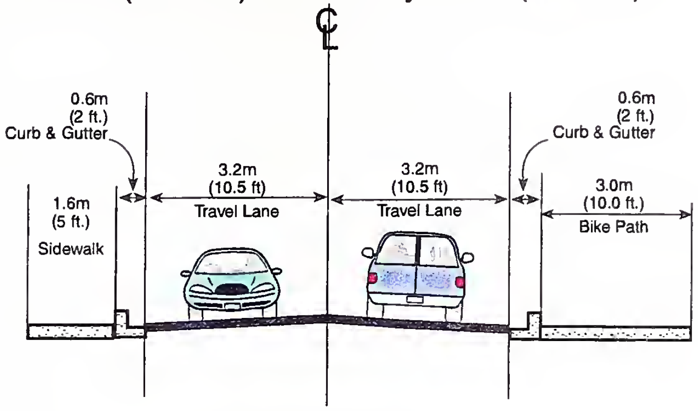
The Preferred Alternative will realign S.R. 35 at the U.S. 93 intersection and construct a Frontage Road in the northeast quadrant, as shown in Figure 2.5-2. S.R. 35 will provide two 3.6 m (12 ft) travel lanes in each direction, while the Frontage Road will provide one 3.2 m (10.5 ft) travel lane in each direction. Sidewalks will be provided as shown in Figure 2.5-2 on the Frontage Road only. Construction of the 3.0 m (10 ft) project bikepath will begin approximately 245 m (800 ft) north on U.S. 93 and continue east through the project. The traffic signal will be reconstructed at the new location.

Figure 2.5-1
Preferred Alternative Locations



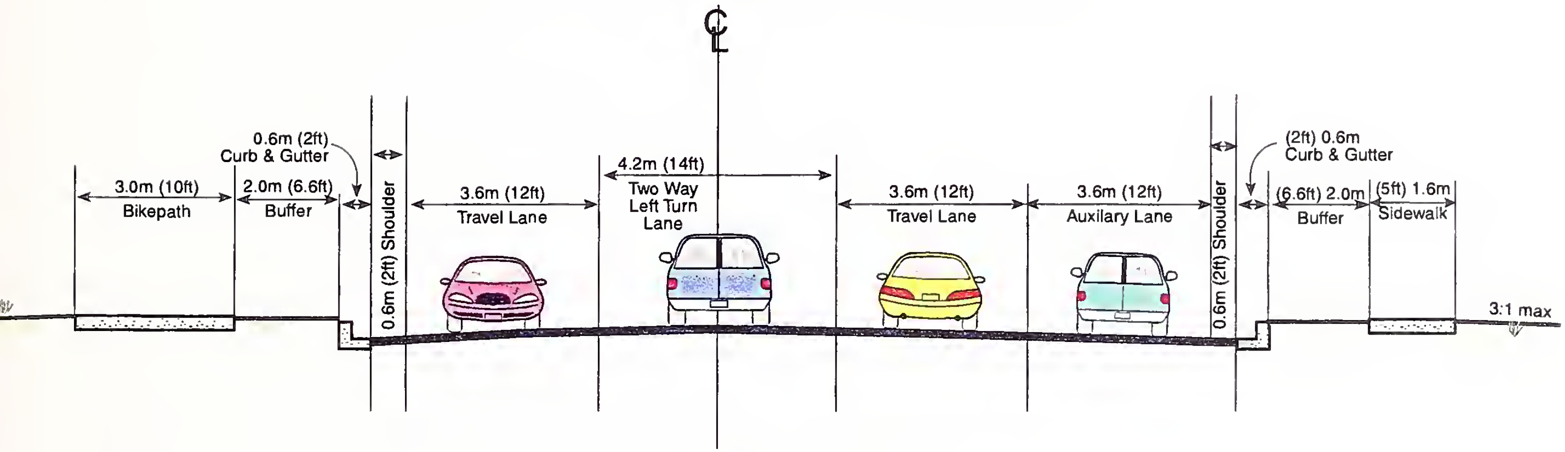
map source:
USGS 7.5-minute Quadrangle
East Bay, Montana, 1964

Frontage Road at U.S. 93/S.R. 35 Intersection
Two Lane
U.S. 93 (MP 0.0) to Safeway Drive (MP 0.2)

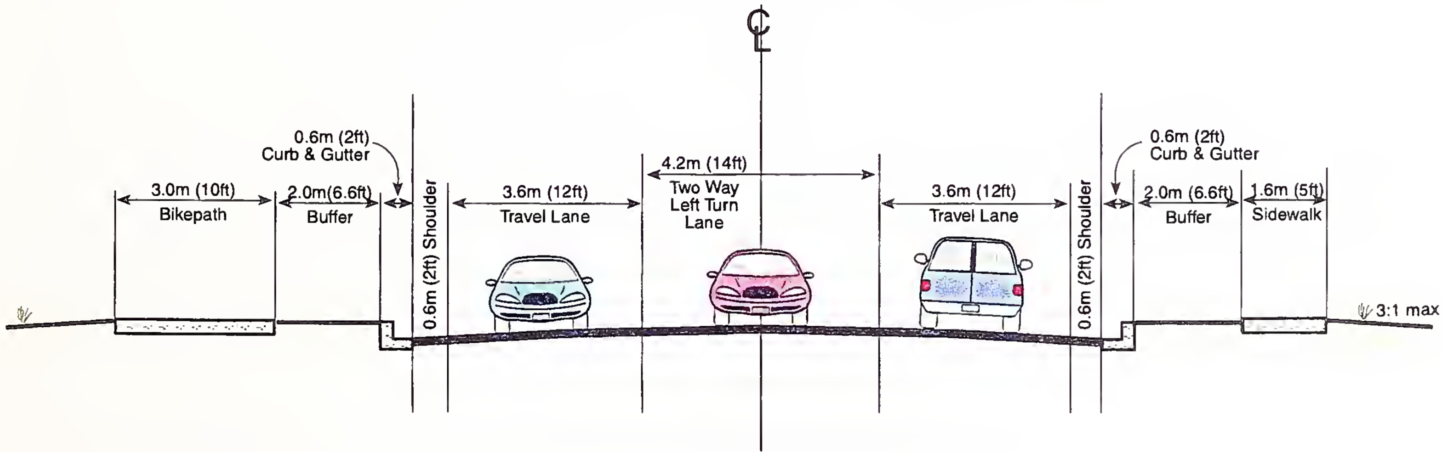


NOTE: The Frontage Road begins along the east side of U.S. 93 approximately 245m (800 ft) north of the junction with S.R.35. The Frontage Road ends along the north side of S.R. 35 approximately 200m (650 ft) east of the junction with U.S. 93.

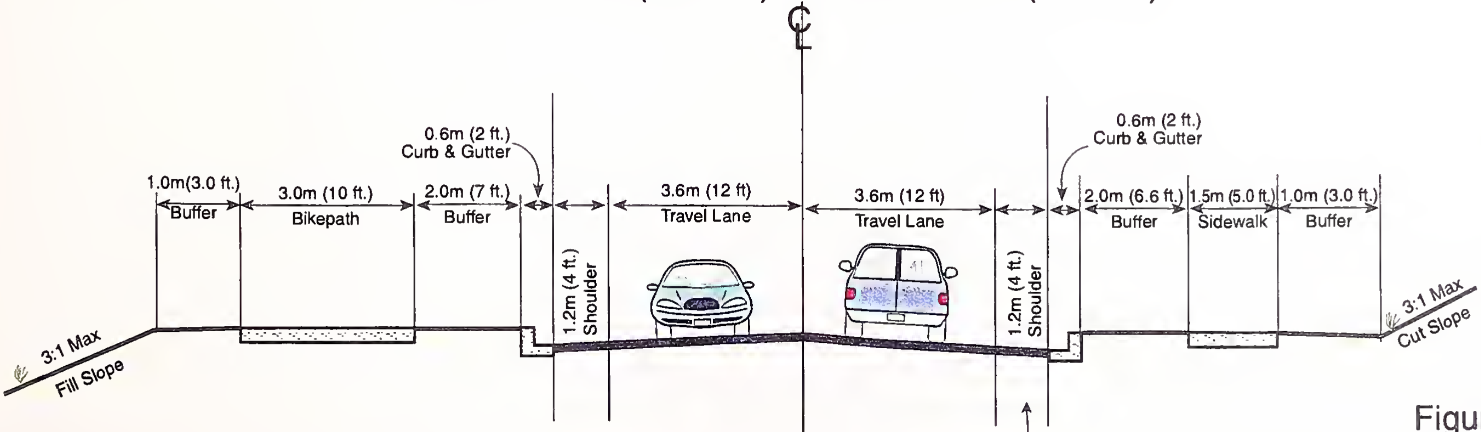
Urban Section
Three Lane Plus Auxillary Lane
U.S. 93 (MP 0.0) to Hawk Drive (MP 0.8)



Urban Section
Three Lane
Hawk Drive (MP 0.8) to Harts Lane (MP 1.3)



Urban Section
Two Lane
Hart's Lane (MP 1.3) to Haack Road (MP 1.6)



NOTE: A 3.60 m (12 ft.) right turn lane is proposed between M.P. 1.5 and M.P. 1.6

Figure 2.5-2
Urban Preferred Alternative

The only S.R. 35 access between U.S. 93 and Safeway Drive that will be retained is a single driveway into the 4-B's Restaurant property. The Tradewinds Realty and the Y Ribs properties will be purchased according to applicable law and relocated, which is required for the proposed realignment. Alternate accesses will be provided onto the Frontage Road for properties on the north side of S.R. 35.

Three-Lane Urban Plus Auxiliary Lane (U.S. 93 to Hawk Drive, MP 0.0 – MP 0.8)

The Preferred Alternative provides one 3.6 m (12 ft) travel lane in each direction with a 4.2 m (14 ft) TWLTL (Figure 2.5-2). The TWLTL will transition into a left turn lane at major intersections, including U.S. 93, Frontage Road, Heritage Drive, Eagle Nest RV Road, and Hawk Drive. A Frontage Road will be constructed in the northeast quadrant of the U.S. 93/S.R. 35 intersection that connects businesses to both roadways at new intersections. The eastbound, auxiliary lane will begin at U.S. 93 and extend east. Access control will be applied in accordance with the project Access Management Guidelines and will reduce the number and location of existing access drives.

A paved sidewalk is proposed along the south side of the road, separated from traffic by a curb and gutter (0.6 m (2 ft) width) and a minimum 2.0 m (6.6 ft) buffer strip. Along the north edge of the road, a 3.0 m (10 ft) paved bikepath is proposed, separated from traffic by a curb and gutter (0.6 m (2 ft) width) and a minimum 2.0 m (6.6 ft) buffer strip.

Three-Lane Urban (Hawk Drive to Hart's Lane, MP 0.8 – 1 .3)

The Preferred Alternative continues to provide one 3.6 m (12 ft) travel lane in each direction with a 4.2 m (14 ft) TWLTL (Figure 2.5-2). An appropriate lane drop will merge the eastbound, auxiliary lane into the through lane. Access control will be applied in accordance with the project Access Management Guidelines. The paved sidewalk will continue along the south side of the road, separated from traffic by a curb and gutter (0.6 m (2 ft) width) and a minimum 2.0 m (6.6 ft) buffer strip. Along the north edge of the road, a 3.0 m (10 ft) paved bikepath is proposed, separated from traffic by a curb and gutter (0.6 m (2 ft) width) and a minimum 2.0 m (6.6 ft) buffer strip.

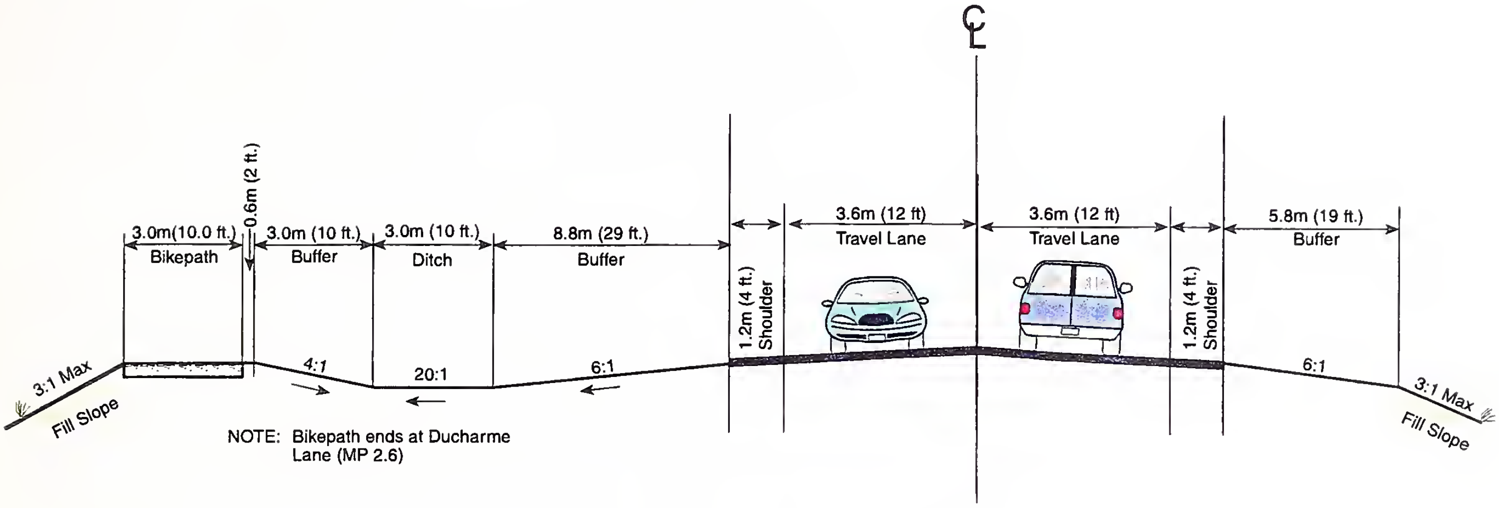
Two-Lane Urban (Hart's Lane to Haack Road, MP 1.3 – MP 1.6)

East of Hart's Lane, the three-lane urban section will transition into a two-lane urban section, with two 3.6 m (12 ft) travel lanes and 1.2 m (4 ft) shoulders (Figure 2.5-2). The alternative will include widening for an eastbound, right turn only lane approaching Haack Road. Along the north edge of the road, the 3.0 m (10 ft) bikepath continues, separated from traffic by a minimum 2.0 m (6.6 ft) buffer. A sidewalk will be constructed on the south side of the road, separated from the road by a 2.0 m (6.6 ft) buffer zone and will connect to the walkway along Haack Road.

Two-Lane Rural (Haack Road to Project End, MP 1.6 – MP 2.8)

East of Haack Road, the two-lane roadway will provide two 3.6 m (12 ft) travel lanes and 1.2 m (4 ft) shoulders. The improved roadway will be combined with an improved clear zone, shoulder grading, and a storm water ditch as shown in Figure 2.5-3. A 3.0 m (10 ft) bikepath will be constructed along the north edge of the ROW, extending to Ducharme Lane (MP 2.6).

Rural Section
Two Lane
Haack Road (MP 1.6) to Project End (MP 2.8)



NOTE: Bikepath ends at Ducharme Lane (MP 2.6)

Figure 2.5-3
Rural Preferred Alternative
(Looking East)

3.0 AFFECTED ENVIRONMENT, IMPACTS, AND MITIGATION

3.1 Socioeconomics

3.1.1 Social Environment

The S.R. 35 project area lies entirely within the Flathead Indian Reservation of the CSKT. The social setting of the reservation is largely influenced by the activities of the Native Americans who participate in traditional cultural and civic events and who value the rural character and natural environment of the area. Growth on the reservation is a concern for longtime residents of the area who live in small, dispersed communities.

The Montana Department of Commerce maintains a database of demographic data that includes past, current, and future population estimates for each county in the state of Montana (Montana Department of Commerce 2000). For the year 1999, estimates show that Lake County had a population of 25,885 persons, and ranked as the 9th most populated county in Montana with a population density of 17.3 persons per square mile. From 1990 to 1999, Lake County experienced a 23% increase in population, or 4,884 persons, and was the 6th fastest growing county in Montana. Over the next 20 years, the population of Lake County is expected to increase by 39%, or just over 10,000 people. In 1990, the population of the Flathead Indian Reservation was 21,259.

A small portion of the urban section of the project area near the intersection of S.R. 35 and U.S. 93 lies within the City of Polson, which is the largest populated municipality in Lake County with a 1998 population of 4,593. From 1990 to 1998, Polson experienced a nearly 40% population increase, or approximately 1,300 people.

The S.R. 35 project area is unique in that it has both urban and rural elements generally located west to east. Population growth in the corridor will be expected to follow this pattern with the western, urban section experiencing greater population growth than the more rural, eastern section. Currently, one housing development is under construction (Mission Bay) just north of the urban section of the project area.

3.1.2 Economic Environment

The five largest industries in Lake County by employment for 1997 were services (35% of total employment), retail trade (17%), farming (9%), manufacturing (9%), and local government (8%) (Montana Department of Commerce 2000). The fastest growing industry in Lake County is services, which produced almost 41% of the total earnings for the county in 1997, and the slowest growing industry was state and local government. Services, tourism, retail trade, and agriculture play important economic roles for the immediate S.R. 35 project area. Retail trade and service facilities within the project area include a number of family-style and fast-food restaurants, hotels, grocery stores, and retail shops.

3.1.3 No-Action Alternative Impacts

As a result of the no-action alternative, there may be a slight negative impact on the social and economic environments in the project area, due to the deteriorating road conditions and the fact that access to businesses will not be improved.

3.1.4 Preferred Alternative Impacts and Mitigation

Impacts: Businesses, private residences, and visitors will benefit from improved roadway safety and mobility as a result of the Preferred Alternative. Temporary construction impacts will include slight delays, traffic, noise, and dust impacts, but access to property along the roadway will be maintained during construction. The project is estimated to span two construction seasons and to last about 12 months, once construction begins. Three businesses and four residences along the S.R. 35 corridor will have to be relocated to construct the Preferred Alternative. These impacts are discussed in Section 3.3.5.

Mitigation: During construction, travel delays will be minimized to the extent possible, and access to properties adjacent to S.R. 35 will be maintained. As a result of public comments received from the business owners located along S.R. 35, MDT will develop a Construction Sequencing Plan with the business owners to minimize construction impacts to the adjacent businesses and residences. The plan may suggest a phased approach to construction to lessen the impacts. For example, to maintain traffic flow and mobility, the U.S. 93/S.R. 35 intersection realignment section can be built first; then traffic can be rerouted on the new road while the Frontage Road is constructed. The plan will also address temporary access into and signage for the area businesses.

3.2 Environmental Justice

Per *Executive Order 12898: Federal Actions to Address Environmental Justice to Minority Populations and Low Income-Populations, 1994,* federal agencies must consider impacts to minority and low-income populations as part of environmental analyses to ensure that these populations do not receive a disproportionately high number of adverse or human health impacts as a result of a federally funded project.

The U.S. Census Bureau maintains a database of economic and demographic data by census tracts and block groups (U.S. Census Bureau 2000). The general S.R. 35 project area lies within two block groups, and information pertaining to minority and low-income populations was averaged for these two block groups for the census year 1990.

3.2.1 Minority Populations

Because the S.R. 35 project area and much of Lake County is located within the Flathead Indian Reservation, minority populations in these areas consist mainly of American Indians. The project area has a lower minority population than the county or the state due to the private ownership of much of the land along the corridor. Demographic information from the U.S. Census Bureau shows that the general S.R. 35 project area is comprised of 3.5% minorities, all of whom are American Indian (Table 3.2-1). In comparison, Lake County and the state of Montana have higher percentages of minorities (22% and 7%, respectively) than the project area.

Table 3.2-1 – Minority Population and Median Income

Location	Minority Population[1]	Median Household Income
S.R. 35 Project Area[2]	3.5%	$14,571
Lake County	22%	$19,755
State of Montana	7%	$22,988

[1] The 1990 Census defines minority races as non-white (Black, American Indian, Asian, and other).

[2] This area is the average of two block groups representing the general project area.

3.2.2 Low-Income Populations

Per economic data provided by the U.S. Census Bureau, the median household income within the general S.R. 35 project area is lower than that of Lake County or the state of Montana (Table 3.2-1). Therefore, in comparison to the state or the county, the general S.R. 35 project area overall can be considered a lower-income area.

More specifically, there are two clusters of low-income housing in the S.R. 35 project area located on the north side of the roadway at approximately MP 0.2; the Eagle Nest RV Park that contains 27 mobile homes and the Peaceful Valley Mobile Home Park that contains 13 mobile homes. The other few residences within the project area are modest, single-family homes associated with large plots of agricultural or ranch land located in the rural portion of the corridor.

3.2.3 No-Action Alternative Impacts

As a result of the No-Action Alternative, there will be no disproportionate impacts to minority or low-income populations.

3.2.4 Preferred Alternative Impacts and Mitigation

Impacts: Because the percentage of minority populations within the project area is small, and because there are no known clusters of minority populations within the project area, no disproportionate impacts to minority populations are anticipated as a result of the Preferred Alternative.

The relocation of four mobile homes out of 13 properties at the Peaceful Valley Mobile Home Park is anticipated as a result of the Preferred Alternative (see Section 3.3 – Land Use). This results in an impact to approximately 32% of the total residences at the mobile home park. Mitigation strategies to offset the effects of relocation are discussed below.

Mitigation: As a result of the Preferred Alternative, it is anticipated that four mobile homes would be relocated. The Peaceful Valley Mobile Home Park owner reported that two of the four trailers are permanent and two are RV/travel trailers. The owner also reported that there is one school-age child living in one of the two permanent trailers. The Peaceful Valley Mobile Home Park charges approximately $125 per month for rent for each trailer spot. Currently, there are no open spots for relocation within the Peaceful Valley Mobile Home Park. Additionally, the owner reported that they are considering selling the entire ten-acre property sometime in the future for development (Peaceful Valley Mobile Home Park 2001).

To mitigate the effect of relocation, there are alternative locations in Polson and Ronan, Montana that may be available for relocating the displaced trailer homes. Several alternative locations for relocating the trailer homes were identified:

- Eagle's Nest RV Park: S.R. 35, Polson, Montana
- Flathead River RV Resort: #9 Regatta Road (just west of Flathead River bridge on U.S. 93), Polson, Montana.
- Paradise Cove Resort: MP 4 on S.R. 35 (same owner as Paradise Pines Resort).
- Paradise Pines Resort: MP 7 on S.R. 35.
- Lazy Wheels Inc.: 642 Rocky Point Road, Polson, Montana
- Mission Meadows Trailer and RV Park: 298 Mission Meadow Drive, Ronan, Montana.

Information regarding the availability, cost, and proximity to basic services for each mobile home park is provided in the Table 3.2-2.

Eagles Nest, Lazy Wheels, Flathead River, Paradise Cove, and Paradise Pines mobile home parks are all in the same school district as the Peaceful Valley Mobile Home Park. However, there is limited or no availability of home sites at the Flathead River and Eagles Nest mobile home parks. All the mobile home parks in Polson are located near basic services such as grocery stores. The Mission Meadows Trailer and RV Park has no availability currently and is the Ronan school district.

The Flathead River RV Resort and Realty also provides realty services and indicated that their office could track areas available to relocate trailer homes that may be displaced (Flathead River RV Resort and Realty 2001). The owner of the Paradise Pines RV Park reported that they are able to provide for the sale of new mobile homes at wholesale.

Table 3.2-2 Mobile Home Statistics

Community Name	Distance from U.S. 93/S.R.35 Intersection (miles)	No. of Permanent Spaces	Perm. Spaces Currently Available? (number)	Cost for Perm. Space	School District	Proximity to Grocery Store (miles)
Eagles Nest RV Park	0.1	22*	No	$175/mo. (rental)	Polson	0.5
Flathead River RV Resort	2.25	17**	Yes (2)	$225/mo. (rental)	Polson	0.5
Paradise Cove Resort	4	RV spots only	No	$300/mo. (rental)	Polson	4
Paradise Pines Resort	7	111 (RV and permanent)	Yes (7)	$18,000 (Home lot, sale only)*** / $10,000 (RV lot, sale only)	Polson	7
Lazy Wheels, Inc.	3.5	Unknown	Unknown	Unknown	Polson	0.75
Mission Meadows Trailer and RV Park	10	21	No	$175/mo (+$175 deposit) (rental)	Ronan	2 mi.

* The Eagles Nest RV Park accepts only new, double-wide homes.

** The Flathead River RV Resort accepts only new homes; the spaces currently available are for double-wide homes.

*** The home lots at the Paradise Pines Resort are ready for mobile home hook-up.

3.3 Land Use and Recreation

3.3.1 Land Jurisdiction and Management

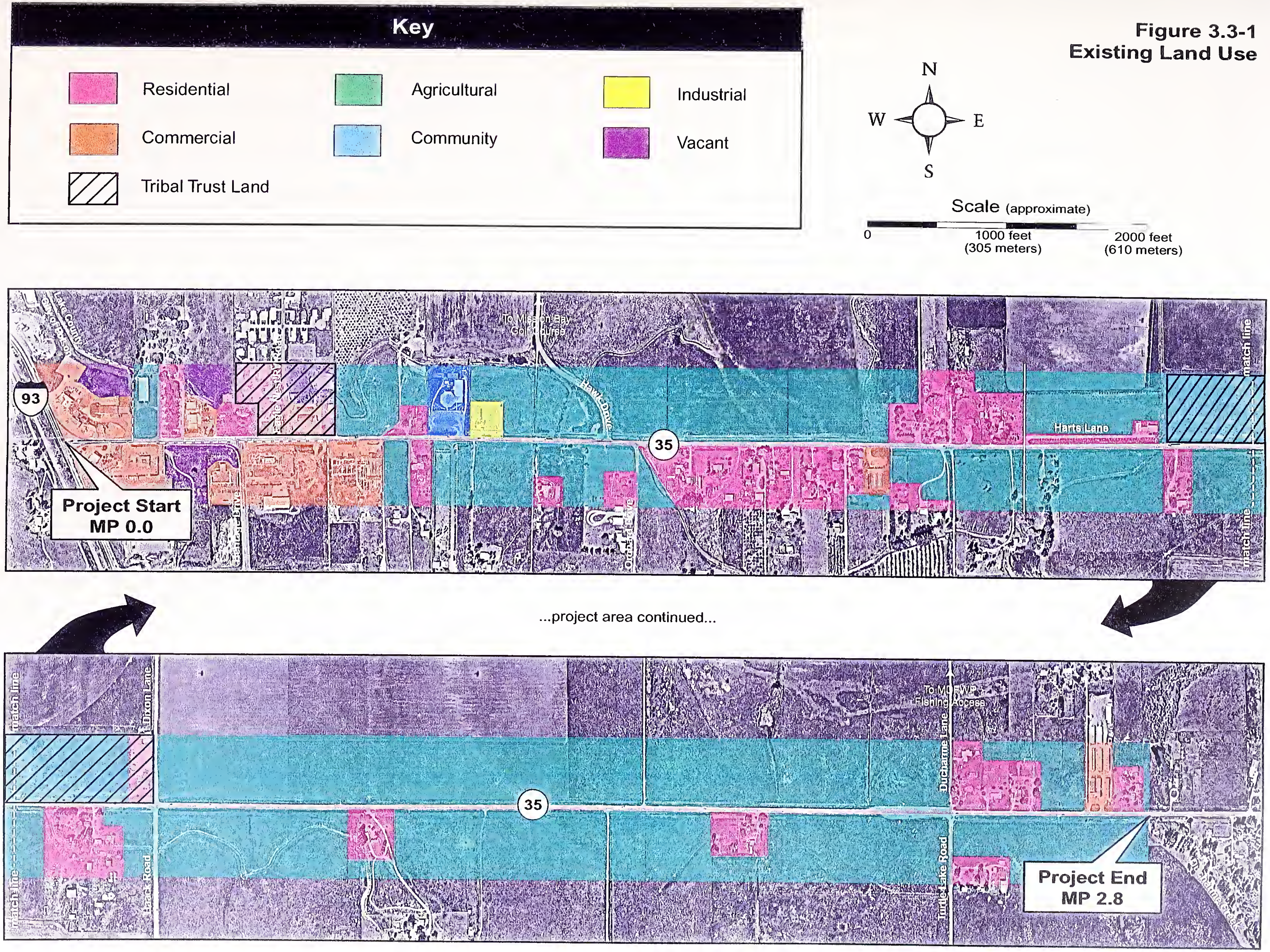
The project area is located entirely within the Flathead Indian Reservation, managed by the CSKT. The Reservation includes approximately 5,019 square kilometers (sq km) (1,938 sq mi) of land and covers parts of four counties. The CSKT owns the majority of land on the Reservation, and there are hundreds of allotments owned wholly or in part by individuals and the Tribes. Allotments are parcels of land assigned to a tribal member as a result of the Flathead Allotment Act in 1908 or 1920, or since inherited or purchased by a Tribal member. There are six parcels of tribal land along the S.R. 35 corridor, grouped into two sections (Figure 3.3-1). The remainder of land along the route is fee land, owned by private individuals or corporations.

The CSKT has adopted a Comprehensive Natural Resource Plan (CSKT 1994) to help guide development on the reservation. The goal for the transportation resource is to promote a transportation system that supports existing and potential resource development and use that is consistent with the protection of cultural and natural resources.

In addition to being located on the Flathead Indian Reservation, the project area is also located within Lake County and partially within the City of Polson. Lake County encompasses approximately 4,289 sq km (1,656 sq mi), and includes the City of Polson. Land ownership within the county is approximately 38% private, 28% Tribal Trust, 18% federal, 6% State of Montana, 7% large corporate; and 3% Tribal Allotment. The county has adopted a General Plan (Lake County 1988) which helps guide land use within the county. One of the goals listed in the plan relating to transportation is the identification of the needs and priorities for improvement of county roads and the development of strategies to improve and maintain these roads.

The City of Polson and Lake County have a joint planning area that includes a portion of the project area. The City-County planning area includes zoning to help regulate development. From MP 0.0 to approximately MP 0.4, the zoning is Highway Commercial; from MP 0.4 to MP 1.1, the zoning is Low Density Residential; and from MP 1.1 to MP 1.6, the zoning is Rural Residential.

Figure 3.3-1
Existing Land Use



The area past MP 1.6 is outside of the city/county zoning district. Tribal lands are not subject to city/county zoning, although planning goals of both the Tribes and the County include increased cooperation and coordination between jurisdictions.

3.3.2 Existing Land Use

Land use along the highway corridor is mostly a mixture of commercial, residential, and agricultural use. There is also a community building (church) and an industrial site (electrical substation) near MP 0.5. The pattern of development is more urban, commercial land uses on the west end of the project near the intersection of U.S. 93 and S.R. 35, and becoming more rural as the highway extends east to the end of the project at MP 2.8. Figure 3.3-1 shows land use along the project corridor. Starting at MP 0.0, the land use is commercial on both sides of the road. On the south side, the commercial area extends to MP 0.4. On the north side, commercial use extends to MP 0.1, with two separate commercial sites on the north side between MP 0.1 and MP 0.3. Types of businesses include real estate offices, restaurants, a grocery store, a bank, a motel, storage, and art stores. Continuing east, the land use is primarily agricultural or residential as shown in Figure 3.3-1.

3.3.3 Recreation

Recreation amenities along the S.R. 35 corridor are limited to roadways/driveways providing access to recreation sites. At MP 0.25, on the north side of S.R. 35, the Eagle Nest RV Road provides access to the RV Park that offers overnight camping as well as permanent residence. At MP 0.6, on the north side of the highway, Hawk Drive provides access to the Mission Bay development, which contains residential areas and a golf course. At MP 1.7, a bed and breakfast is accessed on the south side of the highway, and at MP 2.6, Ducharme Lane provides access to a Montana Department of Fish, Wildlife and Parks access on Flathead Lake (Figure 3.3-1).

3.3.4 No-Action Alternative Impacts

The No-Action Alternative will result in no change to the existing land use or recreation facilities along the project corridor. No non-motorized facilities will be provided to serve pedestrian demand increasing with traffic growth and with commercial growth anticipated in the first 1.5 km (1 mi).

3.3.5 Preferred Alternative Impacts and Mitigation

Impacts: Existing land use along the project corridor will be impacted through the short-term effects of construction and the long-term effects of land requirements for additional S.R. 35 ROW. The project will not change existing jurisdiction, and will generally be in compliance with land use goals of the CSKT, the City of Polson and the County. Both of these jurisdictions have as planning goals the maintenance of a transportation system that supports existing and potential resource development, and the improvement and maintenance of local roads.

Draft construction plans require approximately 9.3 hectares (ha) (23.1 acres (ac)) of additional ROW. ROW requirements are based on minimum MDT standards for secondary roads, and occur on both sides of the roadway from MP 0.0 to the end of the project at MP 2.8. Table 3.3-1 lists the additional ROW requirements by land ownership.

Table 3.3-1 – ROW Requirements by Land Type

Ownership	Hectares	Acres
Private (Fee land)	8.9	22
Tribal Allotment	0.4	1.1
Total ROW Required:	**9.3**	**23.1**

The Preferred Alternative will widen the overall S.R. 35 corridor to accommodate the new ROW limits and provide the following features:

- A two-lane Frontage Road along the north side of S.R. 35 between MP 0.0 and 0.2;

- Realignment of the U.S. 93/S.R. 35 Intersection to accommodate the Frontage Road and the three- and four-lane urban section;

- An urban curb and gutter section, including a sidewalk and buffer zone, along the south side of S.R. 35 from U.S. 93 to Haack Road;

- A bikepath and buffer zone along the north side of S.R. 35 from U.S. 93 to Ducharme Lane.

According to the preliminary design plans, the additional ROW required for construction of the project will impact seven buildings that will need to be relocated or will become unusable. Three of the buildings are commercial, and the remaining four structures are mobile homes. Some buildings because of their construction, such as Y Ribs and the mobile homes, could be relocated to another site. Table 3.3-2 lists the impacted buildings.

Table 3.3-2 – Relocations

Parcel No.[1]	Owner	Land Use
2	D. and R. Ingram	Commercial – Tradewinds Realty
4	J. and P. Potts	Commercial – Y Ribs
8	O. and O. Bones	Residential – Trailer Park (4 mobile homes)
14	L. and J. Gauthier	Commercial – Full Moon Creations

[1] Parcel No. refers to parcels' numbers on the Lake County Assessor maps.

To accommodate the two-lane Frontage Road in the northeast quadrant of the U.S. 93/S.R. 35 intersection, a southern shift in the S.R. 35 alignment is required. This shift requires the off-site relocation of two businesses, Tradewinds Realty and Y Ribs, located in the southeast quadrant of the intersection. The eastern entrance to the Frontage Road, located on the north side of S.R. 35 across from Safeway Drive, will require the relocation of four mobile homes (see Figure 2.3-1). Full Moon Creations, located just east of Heritage Drive on the north side of S.R. 35, will need to be relocated off-site or moved within the property to accommodate the increased ROW width and utility corridor proposed along the southern edge of the current structure.

Indirect impacts of the project may also effect nearby residences. These impacts are primarily aesthetic impacts due to loss of trees that currently help screen the highway from the residences. However, there are several locations where the new proposed ROW is in close proximity (within 15 ft) to existing residences. These properties may be subject to relocation or encroachment and the ROW requirements will be better defined in the final design. All ROW requirements, including relocations and encroachments, will be negotiated with the landowners. Section 3.5 - Visual Resources, discusses these impacts in more detail.

For the Preferred Alternative, the horizontal alignment of S.R. 35 will be slightly realigned to minimize overall impacts to businesses, residences, landowners, and the irrigation canals along the project corridor. The proposed horizontal alignment will also allow the construction of the proposed rural and urban sections while maintaining traffic flow through the construction sites. The proposed shifts in the highway centerline are less than 10 m (33 ft) to the north or south of the current S.R. 35 centerline throughout the corridor. In general, S.R. 35 is moved away from, shifting either north or south, of the current residential and business areas located along the project corridor.

The Preferred Alternative will have a positive effect on recreation. Access will be maintained to the Eagle Nest RV Park, Mission Bay Golf Course, the Mission Meadow Bed and Breakfast, and the Ducharme Lane fishing access on Flathead Lake. The Preferred Alternative also provides for a new bikepath on the north side of the highway from U.S. 93 to Ducharme Lane that connects to the Flathead Lake fishing access. The Preferred Alternative also provides for a new sidewalk on the south side of S.R. 35 from U.S. 93 to Haack Road that connects to the Haack Road pedestrian facilities. A sidewalk along the Frontage Road will also provide access for pedestrians. The sidewalks and bikepath will allow easier and safer access for nearby residents to the nearby commercial businesses. The addition of the sidewalk and bikepath are in response to public interest for safe recreational use and were not intended to reduce congestion along the project corridor. (See Section 3.18, Secondary and Cumulative Impacts.)

Mitigation: Property owners will be relocated according to the Federal Uniform Relocation Act. After the design plans are finalized, the MDT ROW Bureau will contact the landowners along S.R. 35 to discuss the ROW requirements, as well as road approaches, irrigation, fencing, landscaping, trees, and other issues. It is the State of Montana's responsibility to offer fair, open market prices for the property that needs to be acquired for ROW. Relocation assistance is also available from the state. The Internal Revenue Service classifies the sale of private property for a public purpose as an involuntary conversion. Therefore, income and capital gain taxes may not apply depending on how and when the landowner reinvests any profits from the sale.

The relocation of the Tradewinds Realty and Y Ribs businesses, located along the southeast quadrant of the U.S. 93/S.R. 35 intersection, will allow for a right-hand turn lane from U.S. 93 onto S.R. 35 and two eastbound turn lanes on S.R. 35. These improvements will increase traffic mobility and ease of turning for vehicles and business access on the south side of S.R. 35. In addition, the southern realignment of S.R. 35 will provide a right-angle, T-intersection with U.S. 93 and lower the western approach grade to the intersection. The realignment also allows for the construction of the Frontage Road along the northeast quadrant of the U.S. 93/S.R. 35 intersection. The relocation of the four mobile homes, located north of Safeway Drive will accommodate the entrance from S.R. 35 to the Frontage Road. The Frontage Road will consolidate business accesses and provide another alternative for two-way traffic onto and from U.S. 93.

3.4 Farmland

The Farmland Protection Policy Act (FPPA) of 1981, as amended, protects prime and unique farmlands from being converted to non-agricultural uses by requiring federal agencies to consider the adverse effects of federally funded projects on these farmlands. According to the FPPA, it is also required that federal agencies comply with local farmland programs and policies. The Montana Natural Resources Conservation Service (NRCS) currently recognizes two categories of important farmlands; federally protected prime and unique farmlands, and farmlands of statewide importance. A third designation, farmlands of local importance, is currently being considered for adoption in Montana (NRCS 2000), but had not been officially instituted at the time of this EA.

According to the NRCS, there is the potential for prime farmland to exist within the S.R. 35 project area, depending upon whether or not the land is currently being irrigated (see NRCS letter dated June 9, 2000 in Appendix B). The majority of important farmland is located in the eastern, rural section of the project corridor (Figure 3.3-1). Up to 53% of the project area can be considered prime farmland, if irrigated, and roughly 14% of the project area is farmland of statewide importance.

3.4.1 No-Action Alternative Impacts

There will be no impact to any categories of important farmlands as a result of the No-Action Alternative.

3.4.2 Preferred Alternative Impacts and Mitigation

Impacts: Approximately 4.68 ha (11.57 ac) of potentially prime farmland and 1.57 ha (3.89 ac) of farmland of statewide importance will be converted to non-agricultural uses as a result of the Preferred Alternative. Of the total 9.3 ha (23.1 ac) ROW required for the project (see Section 3.3.5 – Land Use: Preferred Alternative Impacts and Mitigation), approximately 53% is prime farmland and 14% is farmland of statewide importance.

Mitigation: The conversion of important farmlands has been minimized to the extent possible. As part of mitigation for the conversion of important farmlands to non-agricultural uses, the *Farmland Conversion Impact Rating Form (#AD-1006)* was completed for this project in accordance with the FPPA (7 U.S.C. 4201, et. seq.) and is included in Appendix B. The NRCS *AD-1006 Form* was also submitted to the Ronan, Montana NRCS Field Office, who files records of farmlands converted to non-agricultural uses (NRCS 2001). The total points for the Preferred Alternative's Site Assessment Criteria are less than 160 (Appendix B). Therefore, under 7 CFR 658.4 (c) no additional consideration for protection is necessary. Mitigation for existing irrigation systems will be coordinated with individual landowners, as applicable.

3.5 Visual Resources

The project area is located in the Mission Valley, part of the Northern Rocky Mountain physiographic province. The landscape surrounding S.R. 35 is generally a flat to rolling plain with Flathead Lake located immediately to the north, and the scenic Mission Mountains rising abruptly to the east (Figure 3.5-1). Human settlement and development has influenced the scenic quality as viewed from the roadway. Starting at the west end of the project at the intersection of S.R. 35 with U.S. 93, the viewshed is dominated by commercial development typical of developed urban areas with traffic lights, roadside signs, power poles, and a variety of building styles. Scenic quality is generally low, although some businesses have installed some landscaping to help improve the appearance of the area. Continuing east, the level of development decreases where scattered residences exist along with open areas of agricultural land use. Further east the landscape character is defined primarily by agricultural, pastoral views with the Mission Mountains as a backdrop. Large trees are common in areas along the existing ROW which help provide a visual screen of the highway from nearby residences.

3.5.1 No-Action Alternative Impacts

The No-Action Alternative will result in no change to the existing visual resources of the project area.

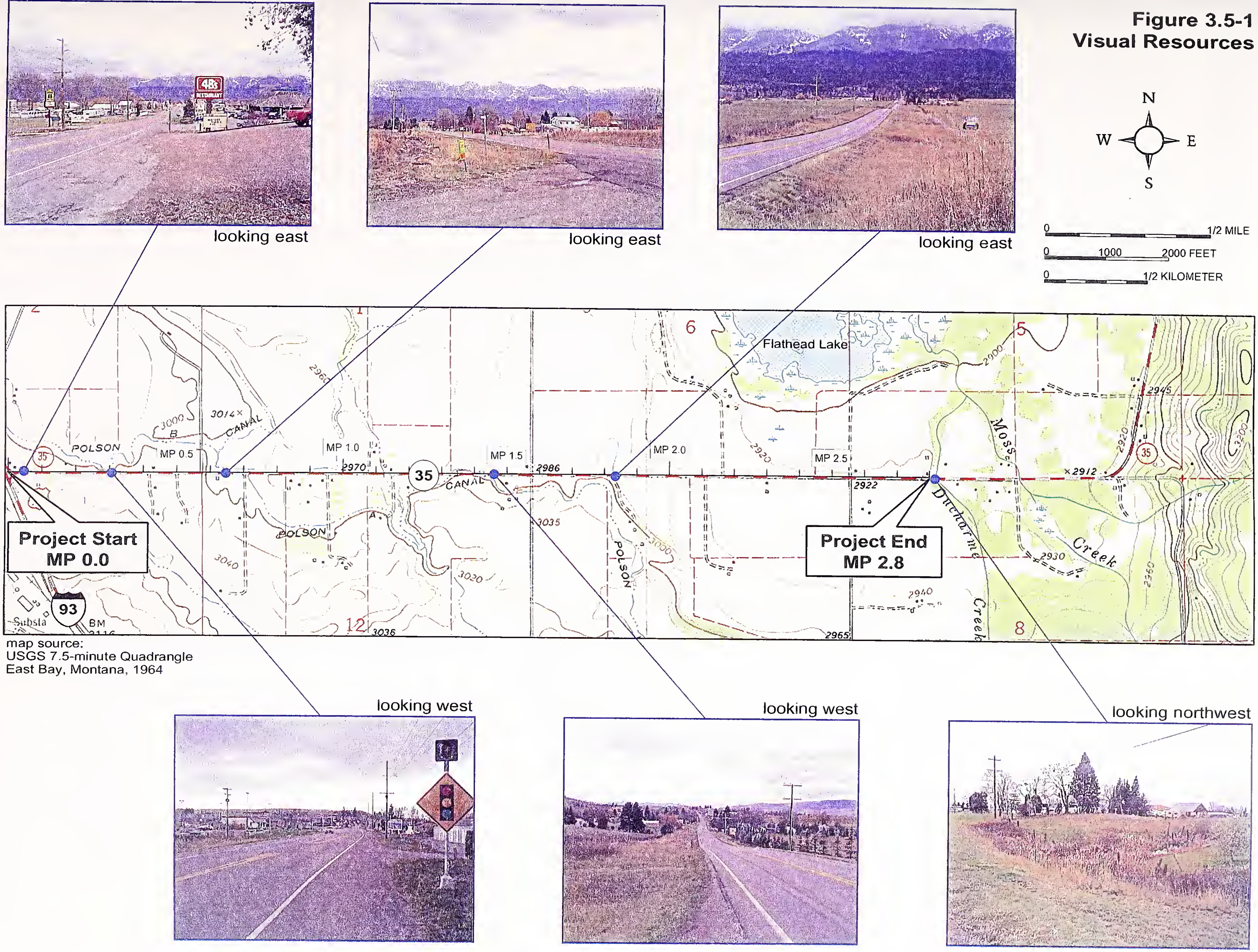
3.5.2 Preferred Alternative Impacts and Mitigation

Impacts: The Preferred Alternative will construct a three-lane roadway with curb and gutter in the urban section, a two-lane Frontage Road on the north side of S.R. 35 from U.S. 93 to Safeway Drive, and a two-lane roadway with standard shoulders in the rural section. The Preferred Alternative also provides for a new bikepath on the north side of the highway from U.S. 93 to Ducharme Lane, and a sidewalk on the south side of S.R. 35 from U.S. 93 to Haack Road. A sidewalk along the Frontage Road will also provide access for pedestrians.

The Preferred Alternative approximate paved roadway widths (excluding curb and gutter) are as follows: Frontage Road, 6.4 m (21 ft); three-lane urban section with the auxiliary lane (U.S. 93 to Hawk Drive), 16.2 m (54 ft); three-lane urban section (Hawk Drive to Hart's Lane), 12.6 m (42 ft); two-lane urban section (Hart's Lane to Haack Road), 9.6 m (32 ft); and two-lane rural section (Haack Road to project end), 9.6 m (32 ft). The curb and gutters in the urban sections, as well as the sidewalk, bikepath, and Frontage Road will add to the overall width of the ROW required for the project. The increase in the highway ROW will increase the scale and dominance of the highway in the viewshed. In the urban sections, the S.R. 35 reconstruction, the addition of the Frontage Road, and the realigned U.S. 93/S.R. 35 intersection will improve the scenic quality of the urban environment, as the highway will create a more orderly environment where access to adjacent businesses is controlled, turn lanes will reduce traffic back-ups, and the sidewalk and bikepath will allow a safer and more enjoyable opportunity for pedestrians and bicyclists to move about the area.

The Preferred Alternative also includes the construction of two retaining walls for parking efficiency and topographic relief. One retaining wall will be constructed north of the China Garden Restaurant along the east side of the Frontage Road. The second retaining wall will be constructed north of 4B's Restaurant along the south edge of S.R. 35. Both walls will be of concrete construction and will create a more orderly urban environment controlling access into the businesses.

Figure 3.5-1
Visual Resources



map source:
USGS 7.5-minute Quadrangle
East Bay, Montana, 1964

In addition, realigning the U.S. 93/S.R. 35 intersection will reduce the skew and create a more orderly and visually balanced design. In the rural section, the highway will remain a two-lane roadway with minor shifts in alignment. The paved surface will increase and the addition of the sidewalks and bikepaths will also increase the overall width of the ROW. Existing views from the highway will be maintained, and sidewalks and the bikepath will offer users scenic views of the surrounding landscape, including the Mission Mountains to the east. Construction plans call for areas of extensive cut and fill in isolated areas to reduce grade changes and improve sight distance on existing hills. Areas of cut and fill increase the contrast between the road and the surrounding landscape, and can result in a loss of the natural appearance of the landscape in those areas. The most extensive area of cut and fill occurs near MP 1.8.

As a result of the additional ROW requirements, several trees will be removed to provide a clear ROW area. These existing trees provide a visual screen of the highway for many nearby residences, and the loss of those trees will result in visual impacts to homes. The most extensive areas of tree removal that will result in impacts to nearby homes includes the areas between MP 0.4 - 0.5; MP 1.0 - 1.1; MP 1.2 - 1.4; and MP 1.5 - 1.6.

Mitigation: The following mitigation measures will be employed to reduce impacts to visual quality:

- On the north side of S.R. 35 from U.S. 93 east to Safeway Drive, a Frontage Road will be constructed, creating a large buffer area between the Frontage Road and S.R. 35 and adding a large landscaped area to improve the scenic quality.
- At the intersection of U.S. Highway 93 and S.R. 35, several commercial buildings will be removed on the south side of the highway, and it will be possible to install a landscape strip there to help improve the scenic quality of the area.
- Trees providing visual screens between the highway and residences will be replaced in cooperation with the landowners. The MDT will determine replacement applicability and specifications during ROW negotiations with the landowner.
- Areas of cut and fill will be minimized where possible.
- A Preliminary Lighting Plan will be developed. A properly designed lighting plan will specify the location, type and pole design which can improve aesthetics and reduce fugitive light.

3.6 Traffic and Access

3.6.1 Traffic Volumes

Historical daily traffic volumes for the past twenty years show that the highest increases occurred in the early 1980's and have decreased to a consistent growth rate between two and three percent annually. Identifying the historical traffic growth patterns of the area allows for projections to be made to guide the design to accommodate the next 20 years of traffic growth. Table 3.6-1 summarizes the current S.R. 35 traffic volumes.

Table 3.6-1 – 1999 Traffic Volumes

MP	Segment	1999 AADT (vehicles per day)	Peak Hour Portion of Daily Volumes
0.2	Urban Section – West of Heritage Drive	6,850	9 %
2.1	Rural Section	5,500	8 %
2.8	Rural Section – East of Turtle Lake Road	4,700	7 %

AADT = annual average daily traffic

Forecasted traffic volumes were projected using 1999 traffic counts as a base year. The ready date (anticipated date that design and environmental clearance will allow construction) for this project is 2003, with the desired design year estimated as year 2023. The existing and projected traffic volumes are shown previously in Table 1.2-1.

3.6.2 Crash History

MDT compares the recorded crash history for a five-year period from July 1, 1993, through June 30, 1998, with the results summarized in Table 3.6-2.

Table 3.6-2 – Crash Statistics, 1993-1998

	S.R. 35	**Statewide Average for Rural Primary Roads**
Crash Rate (1)	1.23	1.33
Severity Index (2)	2.13	2.55
Severity Rate (3)	2.62	3.38
Number of Crashes	30	
Number of Fatal Crashes	2	
Number of Injurious Crashes	10	

Source: MDT Accident Records.

(1) Number of accidents per million vehicle miles.

(2) The ratio of the sum of fatal and incapacitating injury accidents times 8 plus the number of injury accidents times 3 plus the number of property damage accidents to the total number of accidents.

(3) Crash rate multiplied by the severity index.

Over the past five years, as shown by the comparable values between S.R. 35 and the statewide averages, crashes occurring on S.R. 35 are typical for a rural roadway in Montana. Two fatalities occurred in 1995 and 1996, respectively, one of which involved a pedestrian near the eastern end of the project limits under poorly lit conditions. The other fatality resulted from a head-on collision and may have involved driver inattention or error. The type of crashes occurring on S.R. 35 has a higher portion of rear-end occurrences than is typical across the state. Refer to the *Revised Traffic Engineering Report for Reconstruction of S.R. 35, Polson-East*, (Carter & Burgess, Inc., 2000) for additional details.

3.6.3 Access

The Montana Department of Transportation designated S.R. 35, Polson-East, as an access control facility. In September 2000, the MDT Transportation Commission approved the *Resolution for Access Control for the Reconstruction of S.R. 35, Polson-East* (MDT 2000). As part of the reconstruction design, the *Access Management Guidelines, Polson-East* (Stelling 2000c) were developed and are on file with both the City of Polson and with Flathead County.

3.6.4 No-Action Alternative Impacts

The No-Action alternative will provide no capacity or safety improvements to S.R. 35, and access control will not be implemented within the corridor. The major intersections of Heritage Drive and U.S. 93 with S.R. 35 will continue to operate under signalized control with acceptable service anticipated at Heritage Drive. Conditions at the U.S. 93/S.R. 35 intersection will operate with a poor service as early as year 2003, continuing to worsen through the design year of 2023. Although crashes cannot be accurately predicted, it is likely that the number of vehicle conflicts will increase due to increasing traffic volumes and no reduction in access points. S.R. 35 will not provide a “recovery zone” or allow for a clear zone, free of obstacles or vehicle hazards. Maintenance requirements could increase due to poor roadway surface and lack of drainage.

Access control will not be implemented in the project area as a result of the No-Action Alternative. Increasing traffic volumes will increase congestion and create longer turning queues, which may result in increased safety problems. Through vehicle mobility will be impaired by vehicles continuing to access S.R. 35 at numerous locations because turning vehicles reduce through capacity and operations. Lack of access control will allow additional development to generate new driveways, potentially introducing additional vehicle conflict points.

3.6.5 Preferred Alternative Impacts and Mitigation

The Preferred Alternative will improve the roadway to current design guidelines and meet the recommendations within MDT's Route Segment Plan. The alignment will be improved to provide adequate sight distance and better visibility for passing opportunities, especially between Haack Road and Ducharme Lane. Shoulders will be reconstructed to provide a consistent 0.6 m (2 ft) width throughout the three-lane urban portions of the project, while rural sections will provide a consistent 1.2 m (4 ft) shoulder. A short segment of the two-lane urban section between Hart's Lane and Haack Road will provide 1.8 m (6 ft) shoulders and mountable curb to allow vehicles to pull over during an emergency. The roadside will be converted to provide a safe recovery zone for errant vehicles, including clear zones applicable for the roadway design speeds.

Impacts:
Traffic flow will be impacted during the construction seasons for travelers who utilize S.R. 35. Traffic will remain on S.R. 35 or the Frontage Road during construction of the project, and a minimum of one lane of travel in each direction will be maintained on S.R. 35. If construction requirements limit the traveled roadway to one travel lane, this will occur for a limited period of time and will require flagging operations. However, detours and construction staging may occur during utility construction or relocation. Access to intersecting roadways and driveways will be maintained during construction.

Traffic impacts focus on access changes and changes to the urban and rural sections of the roadway. In the urban sections, these changes focus on the development of turning lanes and the Frontage Road, providing a roadway consistent with current design guidelines, and improvements to the signalized intersections. In rural portions of the project, proposed changes focus on providing a roadway consistent with current design guidelines.

To improve traffic flow and remain consistent with the access management goals, a Frontage Road will be constructed in the northeast quadrant of the U.S. 93/S.R. 35 intersection. The Frontage Road will eliminate the accesses of five businesses (i.e., Northwest Montana Realty, Frosty's, Century 21, Super 8 Motel, and China Garden Restaurant) off of S.R. 35 or U.S. 93 and consolidate them onto the Frontage Road. The two-way Frontage Road will intersect with the north side of S.R. 35 directly across from Safeway Drive and intersect with U.S. 93 approximately 245 m (800 ft) northwest of the U.S. 93/S.R. 35 intersection. The Preferred Alternative southern realignment will eliminate access to Tradewinds Realty and Y Ribs in the southeastern quadrant of the U.S 93/S.R. 35 intersection and cause the businesses to be relocated off-site. The Preferred Alternative will also require that Full Moon Creations, located northeast of Heritage Drive, be moved off site or within the property to accommodate the increased ROW width and utility corridor.

As stated previously, the access management goals require access consolidation. The Preferred Alternative roadway alignment shifts will also impact business parking along the S.R. 35 corridor. Table 3.6-3 lists the potential parking and access impacts of the Preferred Alternative.

Table 3.6-3 Parking and Access Impacts

MP	Business/ Residence	Direction from S.R. 35	Potential Parking/Access Impacts	Mitigation
0.01	Northwest Montana Realty	north	Loss of access onto S.R. 35 and U.S. 93.	Provide two access points onto the Frontage Road.
0.02	Frosty's	north	Loss of access onto S.R. 35.	Provide two access points onto the Frontage Road.
0.03	Tradewinds Realty	south	Loss of access onto S.R. 35 and U.S. 93.	Business relocation off property.
0.04	Century 21 Big Sky Real Estate	north	Loss of access onto S.R. 35.	Provide one access point onto Frontage Road from parking lot on east side of business.
0.05	Y Ribs	south	Loss of access onto S.R. 35.	Business relocation off property.
0.09	Super 8 Motel	north	Loss of access onto S.R. 35.	Provide one access point onto the Frontage Road.
0.1	4B's Restaurant	south	Loss of 16 parking spaces.	Construct retaining wall to north and west of building to reclaim 8 parking spaces.
0.2	Total Screen Design	north	Loss of six parking spaces on south side of business and loss of access to S.R. 35.	Replacement parking on west side of building and access via the Frontage Road.
0.3	Polson Storage	north	Loss of 5.5 m (18 ft) of potential parking space and circulation. Loss of access to S.R. 35.	Parking is available at other areas of storage facility. Vehicle access around southernmost storage shed will be possible. Access property from Eagle Nest RV road.
0.4	Delaney's	south	Loss of 17 parking spaces located northwest of business. Consolidate two S.R. 35 access points into one.	Shift parking south on property for no net loss. Maintain existing access onto North View Lane.
0.4	Cherry Stand	north	Loss of 6 m (19 ft) of parking space and traffic circulation area.	Move building and reconfigure lot for efficiency. Access stand from public side road.
0.5	First Baptist Church	north	Loss of 21 parking spaces located to south of church.	Shift parking lot to north and economize/optimize lot to reduce loss.
1.3	Hart's Residence	north	Loss of 2 m (6.5 ft) of driveway and parking space in front of home.	Shift parking and vehicle turnaround to west.
U.S. 93	China Garden Restaurant	north on U.S. 93	Loss of 12 parking spaces and loss of direct access to U.S. 93.	Construct retaining wall along east side of Frontage Road and provide parking to north of business for no net loss. Provide access onto Frontage Road.

Access control will also require mailbox consolidation at various locations along the S.R. 35 project corridor. Preliminary design of the mailbox turnouts includes a 3 m (10 ft) wide pullout with the length dependent on the number of mailboxes. The following guidelines will be used to select the new mailbox locations:

- Relocate mailbox if access to S.R. 35 is relocated.
- Replace mailboxes on the same side of S.R. 35 as the customer/residence, or relocate to the adjoining public roads.
- Consolidate mailboxes that are located within 60 m (197 ft) of another mailbox in the urban areas and within 120 m (394 ft) of another mailbox in the rural areas.

- Construct mailbox turnouts on the near side of the drive/road for S.R. 35 eastbound traffic and on the far-side of the drive/road for westbound traffic.

Mitigation:
Construction impacts will be mitigated through implementation of control measures during construction. These measures will include the following:

- The contractor will develop construction staging areas to minimize the disruption to traffic and access.
- Utilities will be constructed in advance of the roadway construction.
- The contractor and MDT will provide adequate public notice and maintain coordination with area residents to keep the public apprised of the construction progress and to warn of closures or detours.
- The realignment of S.R.35 at U.S. 93 will be constructed first; then traffic will be shifted onto this new alignment in order to construct the Frontage Road. This will lessen the disruption to business access at the U.S. 93/S.R. 35 intersection.
- New access roadway(s) and vehicle turnouts will be constructed prior to implementing driveway closures or relocations.

During reconstruction, the Access Control Plan will be implemented, reducing the number of individual driveways and creating mailbox turnouts. Implementation of Access Control on S.R. 35 will result in a reduction of vehicle conflicts by reducing the number of access points, improving through vehicle mobility (by concentrating the access at specific locations), and improving safety.

The project limits do not include changes on U.S. 93; however, the southern realignment of S.R. 35 will improve U.S. 93/S.R. 35 intersection operations, improve sight distance, provide additional westbound vehicle capacity, reduce the grade on the western intersection approach, and better accommodate pedestrians. The realignment of the U.S. 93/S.R. 35 intersection and the construction of the Frontage Road are consistent with the access management goals of this project and will provide through mobility by minimizing access points on S.R. 35. The Frontage Road and the realigned U.S. 93/S.R. 35 intersection will also improve traffic flow through the intersection and provide two eastbound lanes on S.R. 35 to Safeway Drive.

Operations at the S.R.35/U.S. 93 intersection are expected to improve only slightly, due to the lack of increased travel lane capacity on U.S. 93 where the travel volumes are the greatest at the intersection. A northbound short, right turn lane from U.S. 93 will provide a yield type turn design onto S.R. 35. If no changes are made to the U.S. 93/S.R. 35 intersection by 2023, the intersection will experience unstable traffic flow conditions with very significant delays experienced by vehicles during peak and non-peak conditions.

3.7 Geology and Soils

During the ice ages, glaciers filled the Rocky Mountain trench of British Columbia and moved southward through the Flathead Valley. The City of Polson, Montana is located in the Mission Valley at the southern end of the Rocky Mountain trench. The Bull Lake ice age occurred between 70,000 and 130,000 years ago, and the Pinedale ice age climaxed about 15,000 years ago. The S.R. 35 project corridor is located just north of the Polson terminal moraine created during the Pinedale glaciation. This moraine also marks the maximum advance of the Flathead lobe of Glacial Lake Missoula and is comprised of sand and interbedded gravel. The project corridor lies north of the Polson moraine and generally overlies Flathead Lakebed silts and sediments comprised of sandy loam and clay (Alt 1986). Bedrock is located approximately 457.2 to 609.6 m (1,500 to 2,000 ft) below ground surface (bgs), and is primarily comprised of rocks of the Belt Supergroup consisting of carbonate and fine-grained clastic rocks (i.e., argillite, siltite, quartzite, and limestone) that have been subjected to low-grade regional metamorphism (USGS 1988).

The City of Polson is within the Intermountain Seismic Belt, an area of potentially major ground shaking, and is mapped as Zone 3 by the Uniform Building Code (NTL 2000a).

Groundwater in the Polson area is found in both valley fill and bedrock aquifers. Well depths in the valley fill aquifers generally range from 3.66 to 88.4 m (12 to 290 ft) bgs. Groundwater in a shallow well located along the eastern portion of the project corridor is at approximately 894.6 m (2,935 ft) above mean sea level or 3.96 m (13 ft) bgs. Groundwater along the project area flows toward the southern end of Flathead Lake (USGS 1988).

A geotechnical investigation was completed along the S.R. 35 project corridor in Spring 2000 to obtain sufficient subsurface data for an engineering analysis and to provide recommendations for pavement (NTL 2000a). Fourteen borings were drilled to depths ranging between 3.0 and 75 m (10 and 246 ft) bgs. The average asphalt thickness is 120 to 150 millimeters (5 to 6 inches), underlain by a 1 m (3 ft) thick gravel base course. Fill depths range from 0.8 to 2.1 m (2.6 to 6.9 ft) bgs and consist of silty gravel with sand or silty sand with gravel. The predominant native soil types include stiff silts with varying amounts of sand. Lean clay was encountered in two borings. Groundwater was detected in two borings at 2.0 and 2.4 m (7 and 8 ft) bgs.

3.7.1 No-Action Alternative Impacts

As a result of the No-Action Alternative, no geologic or soils impacts are anticipated.

3.7.2 Preferred Alternative Impacts and Mitigation

Impacts: During construction, grading, cut/fill and/or vegetation removal may weaken the local soil stability causing erosion, siltation, seepage, and/or slumping. To minimize impacts, the construction will be conducted in accordance with the *MDT Standard Specifications for Road and Bridge Construction* (MDT 1995).

Mitigation: The following mitigation measures will be employed to reduce impacts to geologic resources:

- The irrigation canals will be piped underground and surface drainage will be directed off the roadway. Roadway under-drainage is recommended in cut areas due to the potential for sub-grade saturation and related support/frost damage problems.
- Construction activities will follow current Occupational Safety and Health Administration (OSHA) regulations and excavation provisions will assume Type B soil conditions.
- Embankment/subgrade materials will be placed in uniform lifts of maximum 0.2 m (0.66 ft) loose thickness and compacted to 95 percent.
- Silty gravel fill materials salvaged from cut sections will be stockpiled for use in capping new fill areas.
- Silt/clay materials excavated from cut sections will be stockpiled for embankment materials.
- Geotextiles for use as separation and stabilization between subgrade and base/subbase course will be woven materials conforming to MDT standards.
- Geotextiles for use as light drainage wraps will be non-woven materials conforming to MDT standards.
- Construction equipment operation on the open-graded base layer will be conducted so that significant displacement, breakage, or contamination does not occur.
- Cut and fill slope inclinations will not be steeper than 2 (horizontal) to 1 (vertical) unless reviewed and approved by a geotechnical engineer.
- Flexible or rigid pavement thickness designs will follow the recommendations in the *Geotechnical Investigation Report* (NTL 2000a, NTL 2000b).

3.8 Water Quality, Irrigation Canals, and Floodplains

3.8.1 Water Quality and Irrigation Canals

S.R. 35 does not cross any rivers or creeks. The project stops just prior to Ducharme Creek, which flows north to Flathead Lake. The confluence of Moss Creek and Centipede Creek is located on the south side of S.R. 35 approximately 402.25 m (0.25 mi) east of the project limits (Figure 1.1-1).

S.R 35 crosses over and runs adjacent to three distinct irrigation canal systems within Area No. 1 of the Flathead Irrigation Project (Figure 3.8-1). The Cultural Resource Inventory completed by the Confederated Salish and Kootenai Tribal Preservation Office (SKTPO) determined that the canals are historic (SKTPO 1999). Comments were received from the Bureau of Indian Affairs (BIA), Flathead Agency, to redesign the canals along the S.R. 35 project corridor due to maintenance and safety concerns (see Section 4.0 – Summary of Public Comments and Agency Coordination) (BIA 1999a and BIA 1999b). These concerns have been addressed by the Preferred Alternative.

The Polson Z Canal crosses S.R. 35 approximately 830 m (0.50 mi) east of the S.R. 35/U.S. 93 intersection (Figure 3.8-1). The Polson Z Canal originates from the Pablo Feeder Canal system and empties into the Polson B Canal to the north.

The Polson B Canal originates at the Flathead River Pumping Plant more than 2 km (1.20 mi) west of the project corridor. At two locations, the Polson B Canal parallels and is located within existing S.R. 35 ROW. At the first location, the irrigation canal has been replaced with a buried pipe. This pipe is located approximately 15 m (49 ft) north of the highway at the entrance to the Eagle Nest RV Park approximately 460 m (0.28 mi) east of the S.R. 35/U.S. 93 intersection. It is estimated this pipe runs for nearly 80 m (260 ft) within the highway ROW. The Polson B Canal enters the highway ROW just west of Hawk Drive approximately 1,000 m (0.62 mi) east of the S.R. 35/U.S. 93 intersection. The Polson B Canal runs parallel and approximately 15 m (48 ft) north of S.R. 35 for 620 m (0.32 mi), where it turns to the north and flows into Flathead Lake (Figure 3.8-1).

The Polson D Canal originates from the Twin Lake Reservoir. The Polson D Canal crosses S.R. 35 in three locations before ultimately emptying into the Polson B Canal. The Polson B Canal crosses S.R. 35 in this area as it follows the terrain around a large hill. The Polson D Canal meanders outside of the existing ROW in a westerly direction until the final crossing back to the north approximately 1,170 m (0.72 mi) east of the S.R. 35/U.S. 93 intersection, where it empties into the Polson B Canal.

The Polson Z and D canals flow into the Polson B Canal, which drains into Flathead Lake located within 1,207 m (0.75 mi) north of the project corridor. Flathead Lake has an A-1 water use classification. Waters classified as A-1 are suitable for drinking, culinary and food processing purposes (after conventional treatment for removal of naturally present impurities); bathing, swimming and recreation; growth and propagation of salmonid fishes and associated aquatic life, waterfowl, and furbearers; and agricultural and industrial water supplies. The A-1 water quality standards do not allow violations (outside a set range) of fecal coliform, dissolved oxygen, pH, turbidity, and temperature, and no increases above naturally occurring concentrations of sediment, settleable solids, oils, or floating solids (ARM 17.30.622).

The Montana Department of Environmental Quality (DEQ) has evaluated the water quality of Flathead Lake and the lake has been placed on the Final Montana 303(d) List (DEQ 2000). The supporting uses and probable causes and sources of impairment of Flathead Lake are listed in Table 3.8.1. Flathead Lake has been given a high priority for Total Maximum Daily Load development, which is to be completed by the end of 2001.

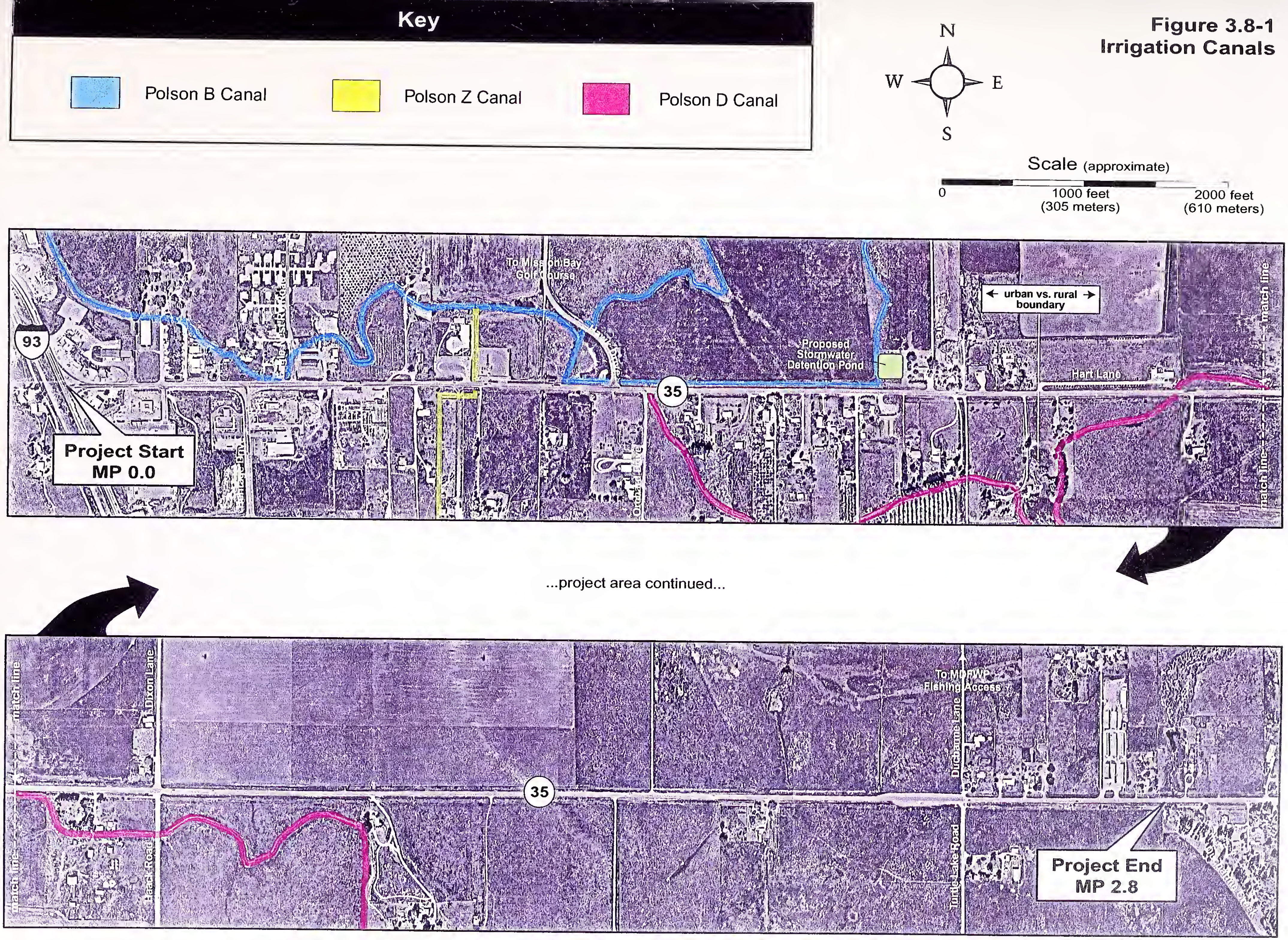


Figure 3.8-1
Irrigation Canals

Table 3.8-1 Flathead Lake 303(d) Determination

Waterbody	Use Support	Probable Causes of Impairment	Probable Sources of Impairment
Flathead Lake	Aquatic Life – P Coldwater Fishery – F Drinking Water – F Swimming (Recreation) – F Agriculture – F Industrial – F	Nutrients Siltation Organic enrichment/Low DO Algal Growth/Chlorophyll	Agriculture Municipal Point Sources Silviculture Urban Runoff/Storm Sewers Upstream Impoundment Flow Regulation/Modification

F = Fully Supporting
P = Partially Supporting
DO = Dissolved Oxygen

3.8.2 Floodplains

Per *Executive Order 11988 and 23 CFR 650, subpart A*, encroachments on 100-year floodplains determined by the National Flood Insurance Program (NFIP) should be avoided where practicable. Floodplains in the S.R. 35 project area were determined by review of Flood Insurance Rate Maps published by the Federal Emergency Management Agency (FEMA). These maps show that there are no 100-year floodplains within the S.R. 35 project area (FEMA 1987).

3.8.3 No-Action Alternative Impacts

As a result of the No-Action Alternative, no impacts to water quality, irrigation canals, or floodplains are anticipated.

3.8.4 Preferred Alternative Impacts and Mitigation

Impacts: The Preferred Alternative will relocate the Polson Z Canal crossing 85 m (276 ft) to the west to more closely align with the current Polson Z Canal ditch to the south. Approximately 80 m (260 ft) of the buried Polson B Canal pipe in the vicinity of the Eagle Nest RV access may also be relocated to fall outside of the limits of construction. Approximately 620 m (0.38 mi) of the Polson B Canal will be relocated outside of highway ROW and replaced with buried pipe. The two Polson D Canal crossings approximately 2,330 m (1.43 mi) and 2,170 m (1.34 mi) east of the S.R. 35/U.S. 93 intersection will be eliminated. The existing Polson B Canal on the north side of S.R. 35 will be placed in a pipe for a distance of 260 m (845 ft) and will be located outside of the south ROW limit. However, irrigation service to these properties located on the north side of S.R. 35 will be sustained. There will be no impact to 100-year floodplains as a result of the Preferred Alternative.

Mitigation: Impacts to water quality will be mitigated by the use of temporary and permanent Best Management Practices (BMP's) which include the following:

- Implementation of the Erosion Control and Sediment Plan, which reduces sediment production and flows, and meets all CSKT, state, and federal requirements, as applicable.
- Revegetation of exposed soil and minimal use of fertilizers to prevent nutrient loading.
- Construction and implementation of erosion and sediment control features such as fiber mats, catch basins, silt fences, and sediment barriers.
- Compensation for increased runoff created by additional impervious surfaces related to road widening, such as the construction of dry or wet ponds.
- Irrigation ditch culverts and pipes will be designed to match the hydraulic traits (depth, velocity, and patterns) of the natural drainage.

- Storm water treatment will include removal/controls for sediment, dissolved nitrate, phosphorus and oil/grease. (See Section 3.9 – Storm Water Management.)

3.9 Storm Water Management

A number of alternatives for urban drainage improvements to S.R. 35 were developed and considered during development of the *Preliminary Hydraulics Report for Polson-East, S.R. 35* (Stelling Engineers, Inc., 2000b). Drainage from the rural highway section will continue to be handled by grassed swales and borrow ditches, like the existing condition.

The primary urban storm drainage concern in the project area is the location of the drainage outfall and receiving drainage(s) for runoff from the south and west portions of the project corridor. Currently, runoff from the west portion of the corridor flows to a low point in the terrain approximately 492 m (0.30 mi) east of the S.R. 35/U.S. 93 intersection. Storm water runoff eventually drains overland, north along the main roadway into the Eagle Nest RV Park. Although this is probably the historic drainage pattern, recent and continuing development south of S.R. 35 makes the pattern undesirable. Runoff impacts to the RV Park suggest that continued discharge of runoff at this location be rerouted to minimize impacts.

The increased flow caused by the S.R. 35 reconstruction will increase runoff impacts to the RV Park. MDT is required to address the water generated within their ROW, and without storm drainage improvements, the project will increase flooding potential on adjacent property.

Runoff patterns for the urban section are divided in the project corridor by a hill near the Baptist Church located approximately 800 m (0.50 mi) east of the S.R. 35/U.S. 93 intersection. East of this location, drainage patterns converge to a natural drainage approximately 1,600 m (1.0 mi) east of the S.R. 35/U.S. 93 intersection. The drainage system alternatives presented capitalize on this trend, retaining this natural repository which is privately owned.

The options evaluated include a single gravity storm drainage for the entire corridor, as well as “split systems” serving the east and west portions of the corridor separately. Both gravity and pumped systems for the western portion of the corridor were evaluated. Joint use of irrigation facilities operated by the Flathead Irrigation Project for storm water conveyance is also considered.

Primary criteria used to determine whether or not a design alternative should be advanced were

- Does it accommodate MDT-related runoff?
- Does it impact ROW requirements significantly?
- Are adequate environmental safeguards provided for area surface water resources?
- Can it be constructed economically?

The following drainage options were considered:

Option 1: Route all storm drainage from the urban portion of the project corridor in a single, piped gravity storm sewer system east to the natural drainage located 1,600 m (1 mi) east of the S.R. 35/U.S. 93 intersection. A detention/sedimentation pond would be provided at the piping outlet for water quality enhancement.

Option 2: Install two separate gravity storm drainage systems in the urban portion of the project to accommodate drainage. West system piping would converge near Delaney's Nursery, with an outfall to the Polson B Canal to the north. The Polson B Canal would be widened to convey runoff eastward well outside the S.R. 35 ROW to approximately 1,000 m (0.62 mi) east of the S.R. 35/U.S. 93 intersection. There storm water would be conveyed through new irrigation piping to discharge to the natural drainage 1,600 m (1.00 mi) east of the S.R. 35/U.S. 93 intersection. A detention/sedimentation pond would be provided at the irrigation-piping outlet for water quality enhancement. The east gravity piping system would convey runoff from the hill area near the Baptist Church 800 m (0.50 mi) east to the natural drainage outfall.

Option 3: This alternative is the same as Option 2, except a pipe would be constructed alongside the Polson B Canal instead of using the canal to carry storm water. Canal widening would not be necessary.

Option 4: This option would utilize a lift station to pump storm water from the west system to the east system. A force main would convey storm water over the hill near the Baptist Church. East of the hill, storm water would be conveyed through a conventional gravity piping system to the natural drainage discussed previously.

Option 5: This option would utilize a large infiltration basin on the west system to allow storm water to percolate into the underlying soils. The infiltration basin would be constructed in the low area south of S.R. 35 and 520 m (0.10 mi) east of the S.R. 35/U.S. 93 intersection. The east system would use a conventional gravity piping system for runoff east of the hill near the Baptist Church. The east system would discharge to the natural drainage discussed previously.

The *Preliminary Hydraulics Report* recommends either Option 2 or Option 1 (Stelling Engineers, Inc. 2000). Option 2, using the Polson B irrigation canal to convey runoff from the west system to the east system, is contingent on concurrence by the Flathead Irrigation Project and the BIA. Option 1 avoids co-mingling irrigation flows with storm drainage from the west system, and will likely simplify facility management and maintenance. On this basis, Option 1 is recommended as the Preferred Alternative.

Option 1 will convey runoff from the western portion of the urban section in a gravity storm drain main. Combined runoff from the west and east sections will combine, and ultimately reach the natural drainage approximately 1,600 m (1 mi) east of the S.R. 35/U.S. 93 intersection. A detention/ sedimentation pond will be provided at the outlet(s) for water quality enhancement (Figure 3.8-1).

3.9.1 No-Action Alternative Impacts

As a result of the No-Action Alternative, adverse storm water impacts are anticipated. Periodic flooding of the Eagle Nest RV Park will continue, and may worsen with additional pavement area and further commercial development in the contributing watershed. Maintenance requirements could increase due to the lack of drainage.

3.9.2 Preferred Alternative Impacts and Mitigation

Impacts: The Preferred Alternative (Option 1) for the urban highway section will reduce drainage impacts in the western urbanized portion of the project corridor, by conveying all drainage to the eastern rural corridor. Excavation will be required for installation of storm drain piping, including relatively deep trenching through the hill near the Baptist Church. The work will result in temporary impacts typical of utility construction, including potential erosion, dust, and noise.

Additional land will be committed for the construction of a detention/water quality enhancement pond at the outfall into the natural drainage approximately 1,600 m (1 mi) east of the S.R. 35/U.S. 93 intersection. Storm water runoff will contain sediment, and potential oil wash-off from the roadway. Such pollutants will need to be attenuated before discharge to the natural drainage to prevent surface water impacts to Flathead Lake. No channel widening of the Polson B Canal will be required with the Preferred Alternative.

Minimal changes in storm water flows from the rural highway section are anticipated, since the roadway surfacing is not being expanded appreciably. Runoff will continue to drain from the roadway surface, to be captured and conveyed in borrow ditches with vegetative cover. The vertical alignment of the highway is being flattened in several areas, compared to existing grades. In these areas the grade of borrow ditches will likewise be flattened. This will tend to lessen runoff velocities, and the potential for erosion and sediment transport.

Mitigation: Storm water and construction-phase impacts will be mitigated by the use of construction-phase and permanent BMP's. The U.S. Environmental Protection Agency (EPA) published BMP's for storm water management, which address both construction and permanent operation of drainage facilities.

The BMP's recommended for mitigation of potential storm water impacts include the following:

- Use of silt fencing, straw bales, strategic grading, and prompt re-seeding to control erosion of exposed soils during construction.
- Temporary storm water detention facilities during construction.
- Vegetated swales to convey storm water in open channels in the rural highway section.
- Natural storm water detention in low-lying areas that historically have been temporary impoundments.
- A new storm water detention pond at the outfall to the natural drainage approximately 1,600 m (1 mi) east of the S.R. 35/U.S. 93 intersection. The pond should be designed to remove sediment along with associated nutrients, as well as to provide oil and grease capture, and emergency isolation in the event of a hazardous material spill on the highway.

In addition to implementing BMP's as part of roadway design and construction activity, the following considerations will afford additional mitigation:

- The storm water system will comply with the CSKT water quality standards and requirements of the EPA. The required water quality permits will be obtained as listed in Section 3.19 – Permits.
- A Storm Water Pollution Prevention Plan (SWPPP), emphasizing BMP's, will be developed for construction of the project. The SWPPP will be distributed to all appropriate agencies, including the CSKT, for review.
- Construction plans for the Preferred Alternative will be designed to avoid and/or minimize impacts to the natural drainage downstream and to Flathead Lake, approximately 1,207 m (0.75 mi) to the north.
- Temporary erosion control and revegetation measures will be implemented as specified in the SWPPP. The storm water detention/water quality enhancement pond will be designed and operated to minimize impacts to aquatic and wetland habitats caused by runoff sediment. Where practical, natural or introduced wetland fringe areas can be incorporated at storm water discharge points to further remove pollutants.
- A Notice of Intent under the "Storm Water General Permit for Construction Activities – Indian Country Lands in the State of Montana" will be filed with the EPA and the CSKT. Construction will conform to this National Pollutant Discharge Elimination System (NPDES) General Permit, and the conditions of the SWPPP for the control of water pollution. DEQ does not have direct jurisdiction for NPDES Permits on tribal lands, deferring to EPA and the CSKT Water Management Program. Initial indications from Mike Stermitz, NPDES Permits Coordinator for the CSKT, are that an NPDES Permit for discharge from the new storm water detention/water quality enhancement pond may not be required, provided adequate water quality enhancement features and BMP's are included.
- The natural drainage approximately 1,600 m (1 mi) east of the S.R. 35/U.S. 93 intersection ultimately reaches Flathead Lake, which is considered "nutrient-impaired." A Total Maximum Daily Load (TMDL) for nutrients is currently being developed for the lake. Nutrients such as phosphorus and some forms of nitrogen associated with runoff sediments can be controlled by storm water detention and contact with vegetation.
- At this time, a Montana Pollutant Discharge Elimination System (MPDES) general construction permit is not required for the construction of the storm water detection pond because the project is located within the CSKT Reservation. However, DEQ is currently revising the general construction permit

(which includes storm water point sources) and private lands within reservations may be subject to this revised general construction permit. MPDES permits are required for areas with greater than 5 ac of disturbance and/or for areas greater than 1 ac and within 30 m (100 ft) of state waters. The Polson canals are considered state waters.

3.10 Wetlands

A wetland determination, delineation, and functional assessment was conducted in August 1999 to determine the number, type, area, and function of wetlands located in the S.R. 35 project area (Western EcoTech LLC 2000). Five wetlands totaling 0.23 ha (0.58 ac) were identified and delineated in and adjacent to the new proposed ROW. Wetland 1 includes emergent fringe wetlands located along the banks of the Polson B Canal and a small section of the Polson D Canal. Wetland 2 includes emergent fringe wetlands associated with the banks of the Polson D Canal. Wetland 3 includes emergent wetlands associated with existing excavated irrigation and roadside drainage ditches. Wetlands 4 and 5 are emergent depressional wetlands located within existing excavated drainage ditches (Figure 3.10-1).

The quality and functions of the wetlands were assessed and assigned one of the four MDT wetland category ratings (Western EcoTech LLC 1999):

- Category I – Exceptionally high quality.
- Category II – More common than Category I, providing good quality habitat for sensitive plants or animals. They have high functions for wildlife/fish habitat or are unique in a given region.
- Category III – More common, generally less diverse, and often smaller and more isolated than Category I and II wetlands.
- Category IV – Generally small, isolated, and lack vegetative diversity.

As shown in Table 3.10-1, the five wetlands located in the project corridor have Category III and IV ratings. A total of 0.05 ha (0.13 ac) of Category III wetlands and 0.18 ha (0.45 ac) of Category IV wetlands will be impacted by the project. No Category I or II wetlands were identified in the project area.

3.10-1 Wetlands Locations, Types, Impacts, and Functional Classifications

Wetland Number	MP Location/ Direction	Wetland Type	Classification	Impacted Area
1	0.6-1.0N, 0.7S	Emergent	Category IV	0.11 ha (0.28 ac)
2	1.3S, 1.4N, 1.5S	Emergent	Category IV	0.07 ha (0.17 ac)
3	2.2-2.4S	Emergent	Category III	0.05 ha (0.12 ac)
4	2.3N	Emergent	Category III	0.003 ha (0.006 ac)
5	2.5N	Emergent	Category III	0.0 ha (0.0 ac)
Total:				**0.23 ha (0.58 ac)**

N = north side of S.R. 35
S = south side of S.R. 35.

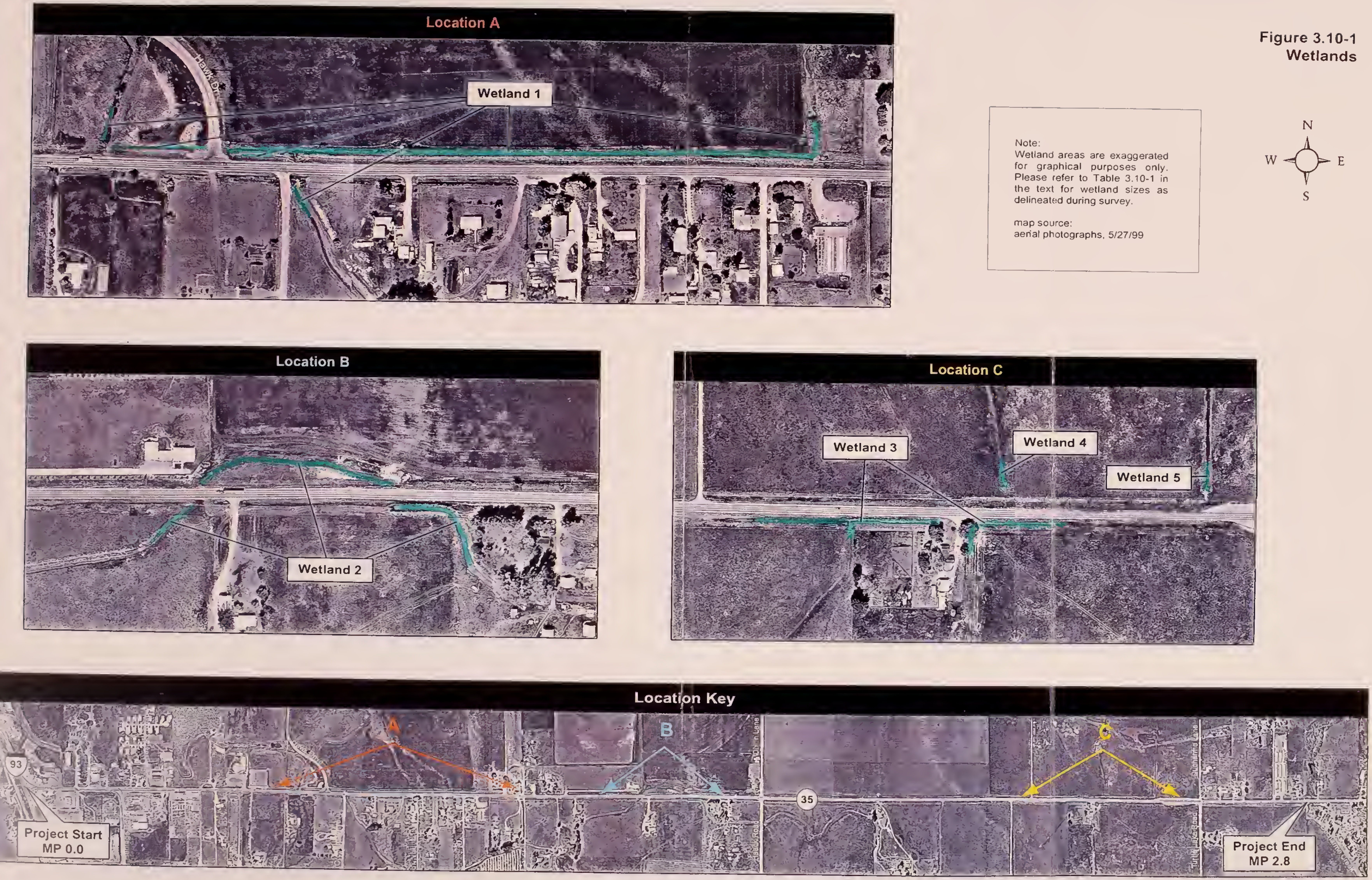
3.10.1 No-Action Alternative Impacts

No direct impacts to wetlands are anticipated as a result of the No-Action Alternative.

3.10.2 Preferred Alternative Impacts and Mitigation

Impacts: As shown in Table 3.10-1, the Preferred Alternative will directly impact 0.23 ha (0.58 ac) of emergent wetlands (Categories III and IV). There will be no impacts to Category I and II wetlands as a result of the Preferred Alternative. Temporary impacts to wetlands within the ROW and construction easement areas will likely occur; however, these impacts have not been quantified at this time.

Figure 3.10-1
Wetlands



Note:
Wetland areas are exaggerated for graphical purposes only. Please refer to Table 3.10-1 in the text for wetland sizes as delineated during survey.

map source:
aerial photographs, 5/27/99

Mitigation: The following mitigation measures will be implemented to avoid and minimize impacts to wetlands:

- Impacts to wetlands associated with Ducharme Creek will be avoided by terminating the project west of the creek.
- Impacts to wetlands will be avoided and minimized by keeping the Preferred Alternative adjacent to or on the existing road alignment.
- Appropriate measures (i.e., BMP's and seeding) will be taken to ensure that road fill slopes and other disturbed soils that may affect wetlands through erosion and sedimentation will be successfully stabilized and revegetated immediately following construction.
- To reverse temporary impacts to wetlands within the ROW and construction easement areas, they will be restored to original contours and revegetated immediately following construction.

Replace wetlands after "avoidance and minimization" alternatives have been reviewed and determined not practicable. One potential on-site mitigation opportunity has been identified as follows:

- The CSKT wetlands conservation coordinator has suggested that MDT coordinate with the proposed Mission Bay Preserve subdivision to assist with possible construction of an approximately 0.4 ha (1.0 ac) storm water treatment wetland (detention pond) north of S.R. 35 at MP 1.0 (see Section 3.9- Storm Water Management) (CSKT 2000).

3.11 Wildlife and Fisheries

Information on the biological resources in the S.R. 35 project corridor was received from the Montana Natural Heritage Program (MTNHP) and biologists with the CSKT. The Montana Rivers Information System (MRIS) was consulted for fisheries information on the streams in the project area. A field survey of the project area was conducted in August 1999 to determine vegetation communities and to survey for wildlife and habitats in the S.R. 35 project corridor (Western EcoTech LLC 2000).

3.11.1 Terrestrial Mammals

Wildlife species inhabiting the project area are typical of those that occur in intermountain grasslands of the Flathead River Valley. Sixty mammals are known or suspected to occur in the latilong that contains the proposed project (Thompson 1982). Latilongs are mapping units formed by successive lines of latitude and longitude, each at one-degree intervals. The average dimension of each latilong is 76 km (47 mi) wide and 111 km (69 mi) long, representing an average area of 8,436 km^2 (3,200 mi^2). Dividing each latilong unit into four quarters, at the 30-minute mark, creates quarter latilongs (MBDC 1996).

Mule deer (*Odocoileus hemionus*), white-tailed deer (*Odocoileus virginianus*), black bear (*Ursus americanus*), porcupine (*Erethizon dorsatum*), raccoon (*Procyon lotor*), striped skunk (*Mephitis mephitis*), badger (*Taxidea taxus*), red squirrel (*Tamiasciurus hudsonicus),* long-tailed weasel (*Mustela frenata*), coyote (*Canis latrans*), red fox (*Vulpes vulpes*), deer mouse (*Peromyscus maniculatus*), and meadow vole (*Microtus pennsylvanicus*) are common mammals occupying habitats in the project vicinity (Thompson 1982). However, no mammals were observed during the August 1999 field survey (Western EcoTech LLC 2000).

Three listed threatened and endangered species including the gray wolf (*Canis lupus*), grizzly bear (*Ursus arctos horribilis*) and Canada lynx (*Lynx canadensis*) are further discussed in Section 3.13. Fisher (*Martes pennanti*), a species of special concern, is discussed in Section 3.13.

3.11.2 Birds

There are a total of 169 bird species records from 1991-1995 for the quarter latilong encompassing the project area. The CSKT Reservation has compiled a list of 177 bird species for which breeding records exist on the reservation. Common species in the project area likely include northern harrier (*Circus cyaneus*), red-tailed hawk (*Buteo jamaicensis*) and American kestrel (*Falco sparverius*). Large concentrations of rough-legged hawks (*Buteo lagopus*) winter in the Mission Valley. Other raptor species likely to occur at times in the project area in association with Flathead Lake are the bald eagle (*Haliaeetus leucocephalus*), osprey (*Pandion haliatus*), Cooper's hawk (*Accipter cooperii*), sharp-shinned hawk (*Accipter striatus*), short-eared owl (*Asio flammeus*) and peregrine falcon (*Falco peregrinus*). No raptors or nest structures were observed during the August 1999 field survey (Western EcoTech LLC 2000).

Seven bird species commonly observed during the August 1999 field survey included American crow (*Corvus brachyrhynchos*), horned lark (*Eremophila alpestris*), mourning dove (*Zenaida macroura*), American robin (*Turdus migratorius*), western meadowlark (*Sturnella neglecta*), Brewer's blackbird (*Euphagus cyanocephalus*), and brown-headed cowbird (*Molothrus ater*) (Western EcoTech LLC 2000).

The bald eagle (*Haliaeetus leucocephalus*), a listed threatened species is addressed in Section 3.13. The black tern (*Chlidonias niger*) and LeConte's sparrow (*Ammodramus leconteii*), two species of special concern, are discussed in Section 3.13.

3.11.3 Reptiles and Amphibians

Amphibian species that are suspected or known to occur in the project area include long-toed salamander (*Ambystoma macrodactylum*), western toad (*Bufo boreas*), Pacific chorus frog (*Pseudacris regilla*), bull frog (*Rana catesbeiana*), spotted frog (*Rana pretiosa*), and northern leopard frog (*Rana pipiens*) (Reichel and Flath 1995, Werner and Plummer 1995, Werner 1999). Historically, the northern leopard frog likely occurred along the project area, but is now thought to be largely extirpated from the Reservation (Werner and Plummer 1995). However, in the fall of 1999 a single juvenile northern leopard frog was observed at the northeastern edge of the Reservation near Yellow Bay (approximately 22 km north of the project area) (Werner 1999).

Reptile species likely to inhabit the project corridor include northern alligator lizard (*Elgaria coerulea*), western skink (*Eumeces skiltonianus*), painted turtle (*Chrysemys picta*), rubber boa (*Charina bottae*), racer (*Coluber constrictor*), gopher snake (*Pituophis melanoleucus*), western rattlesnake (*Crotalus viridis*), western terrestrial garter snake (*Thamnophis elegans*) and common garter snake (*Thamnophis sirtalis*) (Reichel and Flath 1995, Werner and Plummer 1995, Werner 1999).

A common garter snake was the only reptile or amphibian species observed during the August 1999 field survey (Western EcoTech LLC 2000). Two amphibian species of special concern, the western toad (*Bufo boreas*) and northern leopard frog (*Rana pipiens*), are further discussed in Section 3.13.

3.11.4 Fisheries

There are no streams or rivers in the proposed project area. However, fish are occasionally trapped in the irrigation canals in the project area. The Turtle Lake outlet of the Polson D Canal is not screened, and bass (*Micropterus* sp.), stocked westslope cutthroat trout (*Oncorhynchus clarki lewisi*), and other species are often stranded in the canal (CSKT 1999 and 2000b). Fish are not expected in the excavated drainage ditches traversed by the project since they are dry by late summer (Western EcoTech LLC 2000). Ducharme Creek, located approximately 40 m (130 ft) east of the project terminus, contains brook trout (*Salvelinus fontinalis*) and sculpins (*Cottus* sp.). The stream also receives some use by westslope cutthroat trout, although none were captured during the fall 1999 surveys. Ducharme Creek is not considered a prime cutthroat stream nor is it considered a bull trout (*Salvelinus confluentus*) stream by the CSKT (CSKT 1999 and 2000b). The bull trout (*Salvelinus confluentus*), a federally listed threatened species, and westslope cutthroat trout (*Oncorhynchus clarki lewisi*), a species of special concern, are addressed in Section 3.13.

3.11.5 No-Action Alternative Impacts

The No-Action Alternative will not alter existing habitats or affect wildlife resources beyond the existing situation. The minor losses of wildlife species resulting from vehicle collisions will remain the same under the No-Action Alternative. No impacts to fisheries resources or aquatic habitats are anticipated by the No-Action Alternative.

3.11.6 Preferred Alternative Impacts and Mitigation

Impacts: As a result of construction of the Preferred Alternative, some direct mortality will occur to wildlife species with limited mobility, and species occupying nests and burrows such as mice, voles, frogs, salamanders, snakes, badgers, ground squirrels, young birds and eggs.

Temporary displacement will occur to more mobile wildlife species such as deer, birds, and mammals during construction. However, similar habitats exist along the road alignment so no adverse impacts to these wildlife species are anticipated.

There will likely be temporary water quality impacts to aquatic habitats (increased sediment and turbidity) in the project area due to the amount of ground disturbance, irrigation relocations, and pipe replacements. Proper installation and maintenance of the BMP's will be required to prevent sediment loading to these aquatic habitats.

Mitigation: The following mitigation measures will assist with minimizing impacts to wildlife and aquatic resources:

- The CSKT wetlands conservation coordinator has suggested that MDT coordinate with the proposed Mission Bay Preserve subdivision to assist with possible construction of a storm water treatment wetland (detention pond) north of S.R. 35 at MP 1.0 (CSKT 2000).

- Appropriate measures (i.e., BMP's and seeding) will be employed to ensure that road fill slopes and other disturbed soils that may affect wetlands through erosion and sedimentation will be successfully stabilized and revegetated immediately following construction.

3.12 Vegetation

The western portion of the project corridor is primarily urban/industrial/residential lands, while the eastern project area is primarily hay/cropland. The urban/industrial/residential lands and the existing ROW support, primarily, seeded and weedy species, with scattered low shrubs such as Wood's rose (*Rosa woodsii*), western snowberry (*Symphoricarpos occidentalis*), and Columbian hawthorn (*Crataegus columbiana*) growing along portions of the irrigation canals. Common species include smooth brome (*Bromus inermis*), Kentucky bluegrass (*Poa pratensis*), western wheatgrass (*Agropyron smithii*), orchard grass (*Dactylis glomerata*), western salsify (*Tragopogon dubius*), field pennycress (*Thlaspi arvense*), prickly lettuce (*Lactuca serriola*), Canada thistle (*Cirsium arvense*), spotted knapweed (*Centaurea maculosa*), chickory (*Cichorlum intybus*), blue mustard (*Chorispora tenella*), tumblemustard (*Sisymbrium altissimum*), yellow sweetclover (*Melilotus officinalis*), white sweetclover (*Melilotus albus*), common mullein (*Verbascum thapsus*), perennial sowthistle *(Sonchus arvensis),* teasel *(Dipsacus fullonum*), field bindweed *(Convolvulus arvensis*), dandelion (*Taraxacum officinale*), showy milkweed (*Asclepias speciosa*), lance-leaf plaintain (*Plantago lanceolata*), common plantain (*Plantago major*), redroot pigweed (*Amaranthus retroflexus*), yellow toadflax (*Linaria vulgaris*), Russian thistle (*Salsola iberica*), and common tansy (*Tanacetum vulgare*). A few small rows of Douglas-Fir (*Pseudotsuga menziesii*) trees have been planted in the yards of some residences.

Seeded herbaceous species including timothy (*Phleum pratense*), alfalfa (*Medicago sativa*), orchard grass, crested wheatgrass (*Agropyron cristatum*), western wheatgrass, smooth brome, and domestic corn generally dominate the hay/croplands.

Wetlands along the proposed project consist of emergent vegetation communities along excavated irrigation canal segments and roadside drainage ditches. Emergent species identified included redtop *(Agrostis alba)*, fox sedge (*Carex vulpinoidea*), true forget-me-not (*Myosotis scorpioides*), yellow iris (*Iris pseudacorus*), tall mannagrass (*Glyceria elata*), field horsetail (*Equisetum arvense*), broad-leaf cattail (*Typha latifolia*), smooth brome, climbing nightshade (*Solanum dalcamara*), yellow monkey flower (*Mimulus glabratus*), curly dock (*Rumex crispus*), Lady's thumb (*Polygonum persicaria*), Canada thistle, Bebb's sedge (*Carex bebbii*), reed canarygrass (*Phalaris arundinacea*), willow weed *(Polygonum lapathifolium)*, meadow foxtail (*Alopecurus pratensis*), toad rush (*Juncus bufonius*), common plantain, orchard grass, Kentucky bluegrass, white goosefoot (*Chenopodium album*) and American speedwell (*Veronica americana*) (Western EcoTech LLC 2000).

Seventeen Montana-listed or proposed noxious weeds have been identified in Lake County over the last 20 years. These noxious weeds include Canada thistle, dalmation toadflax (*Linaria dalmatica*), diffuse knapweed (*Centaurea diffusa*), field bindweed, hoary cress (*Cardaria draba*), leafy spurge (*Euphorbia esula*), meadow hawkweed (*Hieracium pratense*), orange hawkweed (*Hieracium aurantiacum*), purple loosestrife (*Lythrum salicaria*), Russian knapweed (*Centaurea repens*), spotted knapweed, St. John's-wort (*Hypericum perforatum),* sulfur cinquefoil (*Potentilla recta*), oxeye daisy (*Chrysanthemum leucanthemum*), houndstongue (*Cynoglossum officinale*), common tansy, and yellow starthistle (*Centaurea solstitialis*) (Invaders Database System (IDS) 2000). Of the 23 plants designated or proposed as noxious weeds in Montana, four Category 1 noxious weeds were common in the project corridor including Canada thistle, spotted knapweed, field bindweed and common tansy (Western EcoTech LLC 2000). The Montana Department of Agriculture (1991), defines Category 1 noxious weeds as "weeds that are currently established and generally widespread in many counties of the state."

Three plant species, including the proposed threatened Spalding's catchfly (*Silene spaldingii*), and two species of special concern, yellow-staining collomia (*Collomia tinctoria*) and chaffweed (*Centunculus minimus*), are further discussed in Section 3.13.

3.12.1 No-Action Alternative Impacts

Under the No-Action Alternative, there will be no impact to vegetation communities in the project area, and the potential for noxious weed infestations will remain the same.

3.12.2 Preferred Alternative Impacts and Mitigation

Impacts: Construction of the Preferred Alternative will result in both temporary and long-term impacts to vegetation. Vegetation will be temporarily removed from areas within the ROW and permanently removed from the areas associated with the road surface and shoulders. Additional areas (i.e., construction easement) will have the existing vegetation removed during cut and fill and other construction activities, but will be revegetated following construction.

Several noxious weeds are common along the S.R. 35 corridor. Some areas of noxious weeds will be within the paved area and will be eliminated. However, noxious weeds already present within the project area are likely to spread within areas of temporary disturbance unless they are controlled. Additional noxious weeds may also enter the area from construction equipment or natural dispersal.

Minor impacts of approximately 0.05 ha (0.12 ac) are anticipated to the riparian area along the Polson B Canal that is dominated by Columbia hawthorn.

Mitigation: The following mitigation measures will be employed to minimize impacts to vegetation:

- Disturbed areas will be revegetated using native seed mixes.
- Weed-free seed will be used for revegetation.
- Topsoil will be salvaged and re-spread on cut and fill slopes.

- Noxious weeds within disturbed areas will be monitored and controlled in accordance with state, county, and CSKT requirements.

3.13 Threatened, Endangered, and Special Status Species

In compliance with the Endangered Species Act of 1973, as amended, the U.S. Fish and Wildlife Service (USFWS), MTNHP, CSKT, and MDT were consulted to determine the presence of and any potential impacts to proposed and listed threatened, endangered, and special status species in the project area. In addition to agency consultation, a review of published and unpublished literature for threatened, endangered, and special status species was conducted.

3.13.1 Wildlife and Fisheries

A field survey was conducted in August 1999 to determine the occurrence of threatened and endangered, and special status species within the S.R. 35 project area (Western EcoTech LLC 2000). Five listed threatened and endangered wildlife and fish species and six species of special concern were analyzed for presence and habitats in the S.R. 35 project area (USFWS 1999a):

- **Bald eagle** (*Haliaeetus leucocephalus*) is listed as threatened by the USFWS, and classified as S3B, S3N (breeding and non-breeding occurrences are found locally in a restricted range) by the State of Montana (MTNHP 1999a).

  No bald eagle nest, perch or roost habitats are known to occur within several miles of the proposed project, and no bald eagles were observed during the August 1999 field survey (Western EcoTech LLC 2000). The closest nest sites occur over 7 km (4.3 mi) north of the project area on Flathead Lake at Cat Bay, Wolf Bay, and Bull Island. Another nest occurs over 6 km (3.7 mi) south of the project at Pablo Reservoir (MFWP 1998, MTNHP 1999b, CSKT 1999 and 2000a).

- **Gray wolf** (*Canis lupus*) is listed as an endangered species by the USFWS, and classified as S1 (critically imperiled) by the State of Montana (MTNHP 1999a). Wolves west of Interstate 15 and north of Interstate 90 are fully protected under the Endangered Species Act and occur within the northwest Montana recovery area (USFWS 2000).

  No gray wolves or physical evidence were observed during the field survey (Western EcoTech LLC 2000). No wolf pack activity, dens, or rendezvous sites occur within several miles of the proposed project. About three years ago, three transient wolves were observed east of Polson near the project area (CSKT 1999 and 2000a).

- **Canada lynx** (*Lynx canadensis*) is listed as a threatened species by the USFWS, and classified as S2 (imperiled because of rarity) by the State of Montana (MTNHP 1999a).

  Lynx habitat does not exist in the project area. Also, the proposed project does not bisect potential lynx habitat or proposed carnivore habitat linkage areas (Ruediger et al. 1999). Lynx are not known or expected to occur in the project area due to the lack of habitat and the extent of residential and commercial development (CSKT 1999 and 2000a).

- **Grizzly bear** (*Ursus arctos horribilis*) is listed as a threatened species by the USFWS, and classified as S1S2 (critically imperiled because of extreme rarity/imperiled because of rarity) by the State of Montana (MTNHP 1999a).

  The proposed project does not occur within a grizzly bear recovery area. The Northern Continental Divide Grizzly Bear Recovery Zone is located approximately 7 km (4.3 mi) east of the project area. The MTNHP has mapped occupied grizzly bear habitat for the Mission-Rattlesnake population approximately 0.8 km (0.5 mi) east of Ducharme Creek. The population is estimated to contain fewer than 25 bears (MTNHP 1999a). Grizzly bears are occasionally observed near the project area and are thought to be transient individuals due to the extent of residential and commercial development and lack of suitable habitat. In 1999, a male grizzly bear was sighted near Flathead Lake approximately 1.6 km (1 mi) east of Polson (CSKT 1999 and 2000a).

- **Bull trout** (*Salvelinus confluentus*) is listed as a threatened species by the USFWS, and classified as S3 (vulnerable because of rarity) by the State of Montana (MTNHP 1999a).

  Bull trout habitat does not exist within the confines of the project limits, as no streams are located in the project area. Bull trout do not occur in the irrigation ditches associated with the project. Bull trout reside in Flathead Lake, but are not known to occur in Ducharme Creek (CSKT 1999 and 2000b).

Special status species that may occur within the S.R. 35 project area include

- **Westslope cutthroat trout** (*Oncorhynchus clarki lewisi*) is a species of special concern, and classified as S3 (vulnerable because of rarity) by the State of Montana (MTNHP 1999a).

  There are no records of this species in the project area. The species is considered a possible rare transient/resident in Ducharme Creek, and may get trapped in the irrigation canals in the project area (CSKT 1999 and 2000b).

- **Western toad** (*Bufo boreas*) is a species of special concern, and classified as S3S4 (vulnerable because of rarity/apparently secure) by the State of Montana (MTNHP 1999a).

  There are no records of this species occurring in the project area. The species was observed in the southeast corner of Flathead Lake in 1962, and in Flathead Lake near Polson in 1922 (Werner and Plummer 1995, Werner 1999).

- **Northern leopard frog** (*Rana pipiens*) is a species of special concern, and classified as S3S4 (vulnerable because of rarity/apparently secure) by the State of Montana (MTNHP 1999a).

  There are no records for the project area and the species was not observed during the August 1999 field survey (Western EcoTech LLC 2000). The species is assumed to be extirpated from the Flathead Reservation and was not recorded during the 1995 amphibian surveys conducted on the Reservation. A single juvenile leopard frog was located at the northeastern edge of the Flathead Reservation near Yellow Bay (22 km north of the project) in fall 1999 (Werner and Plummer 1995, Werner 1999, CSKT 1999 and 2000a).

- **Black tern** (*Chlidonias niger*) is a species of special concern, and classified as S3B, SZN (breeding occurrences are ranked vulnerable because of rarity, with non-breeding occurrences not ranked in the state) by the State of Montana (MTNHP 1999a).

  There are no records of this species nesting in the project area although direct evidence of breeding is recorded in the latilong (MTNHP 1999c).

- **Le Conte's sparrow** (*Ammodramus leconteii*) is a species of special concern, and classified as S1S2B, SZN (critically imperiled/breeding occurrences are imperiled because of rarity, with non-breeding occurrences not ranked in the state) by the State of Montana (MTNHP 1999a).

  There are no nesting records for the project area, although the project is within the known range of this species (MTNHP 1999c).

- **Fisher** (*Martes pennanti*) is a species of special concern, and classified as S2 (imperiled because of rarity) by the State of Montana (MTNHP 1999a).

  There are no records for the project area, although the project is within the known range of this species (CSKT 1999 and 2000a).

3.13.2 Vegetation

A search of the MTNHP database for plant species of special concern records near the proposed project area revealed one plant species, yellow-staining collomia (*Collomia tinctoria*) (MTNHP 1999a). Two other plant species are discussed in this section based on known occurrences near the project area: Spalding's catchfly (*Silene spaldingii*) is proposed for listing as a threatened species by the USFWS (USFWS 1999b); and chaffweed (*Centunculus minimus*) is a state sensitive species (MTNHP 1999a). In addition to the MTNHP plant species of special concern, the *Wetlands Conservation Plan for the Flathead Indian Reservation* (CSKT 1999) lists plant species of concern on the Reservation based on biological and cultural significance. One species from the list, the Columbian hawthorn (*Crataegus columbiana*), was observed along the project in association with the Polson B Canal.

- **Spalding's catchfly** (*Silene spaldingii*) is listed as proposed threatened by the USFWS, and classified as S1 (critically imperiled because of extreme rarity) by the State of Montana (MTNHP 1999a).

  There are no known populations of this species within several kilometers of the proposed project. The closest known population occurs over 17 km (11 mi) north of the project on Wild Horse Island at Flathead Lake (MTNHP 1999b). This species is not expected to occur in the project area due to the amount of residential and commercial developments and the conversion of native grassland habitats.

Special status species that may occur within the S.R. 35 project area include

- **Yellow-staining collomia** (*Collomia tinctoria*) is a species of special concern, and classified as S1 (critically imperiled) by the State of Montana (MTNHP 1999a).

  There are no records of this species occurring in the project area. The closest record is from 1953 for a location 4 km (2.5 mi) southwest of the project area (MTNHP 1999b). This species is not expected to occur in the project area due to the extensive conversion of habitats resulting from agriculture, industrial and residential development, and road construction and maintenance.

- **Chaffweed** (*Centunculus minimus*) is a species of special concern, and classified as S1 (critically imperiled) by the State of Montana (MTNHP 1999a).

  There are no records of this species in the project area. The closest known populations occur several kilometers south of the project area near Ronan (MTNHP 1999b). This species is not expected to occur in the project area due to the extensive conversion of habitats resulting from agriculture, industrial and residential development, and road construction and maintenance.

3.13.3 No-Action Alternative Impacts

The No-Action Alternative will not increase motorists' visibility of animals on or near the highway to provide a greater opportunity for drivers to avoid collisions with wildlife.

There will be no impact to the Spalding's catchfly, yellow-staining collomia, chaffweed, or Columbian hawthorn as a result of the No-Action Alternative.

3.13.4 Preferred Alternative Impacts and Mitigation

Impacts: There will likely be temporary water quality impacts to aquatic habitats (increased sediment and turbidity) in the project area due to the amount of ground disturbance, irrigation relocations, and pipe replacements. Proper installation and maintenance of the BMP's will be required to prevent sediment loading to these aquatic habitats.

Mitigation: The following mitigation measures will take place to reduce impacts to threatened, endangered, and special status species:

- A pre-construction survey for Spalding's catchfly within the proposed ROW is recommended during the last two weeks of July to determine whether the species exists within the project corridor (Western EcoTech LLC 2000).
- Staging and borrow/gravel source locations will be reviewed by an MDT biologist prior to construction to determine possible impacts to bald eagles, and other T&E species and species of special concern.
- The status of bald eagle nesting in the project area will be confirmed with an MDT biologist prior to construction to determine if new nesting territories exist near the project area. If new nest territories are located, and depending on the locations of the new nests, construction-timing restrictions may be warranted.
- To conserve bald eagles and other large raptors, overhead powerlines that are modified or relocated as a result of this project should be raptor-proofed following the criteria and techniques outlined in the publication, *Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 1981* (Olendorff et al. 1981).

3.14 Cultural Resources

In compliance with Section 106 of the National Historic Preservation Act, a Cultural Resources Inventory was conducted in September and October, 1999, by the SKTPO to identify the presence of cultural resources in the S.R. 35 project area (SKTPO 1999). This inventory consisted of a literature search, an intensive pedestrian survey for 32 m (105 ft) on each side of the existing roadway, and consultation with the Salish and Kootenai elders to determine the presence of cultural resources and traditional cultural properties. A Cultural Resources Addendum was conducted by SKTPO in November 2000 in order to evaluate areas of the Preferred Alternative, including the northeast quadrant of the U.S. 93/S.R. 35 intersection, that were not previously surveyed (SKTPO 2000b).

In accordance with Section 106, the National Register of Historic Places (NRHP) serves as a nationwide database for cultural resources such as archaeological sites, historic districts, buildings, and objects that are significant to prehistory or history at local, state, or national levels. Those properties listed on the NRHP or that are eligible for nomination to the NRHP are considered federally protected resources and are the subject of consideration for this EA.

The cultural resources inventories revealed the presence of two cultural resources within the immediate project area:

- **The Polson Canal (24LA91)** – This site is recommended to be eligible for the NRHP.
- **An historic schoolhouse** – This site is recommended as not eligible for the NRHP.

No other cultural resources or traditional cultural properties were identified within the project area, and S.R. 35 does not cross any historic bridges and is itself not considered an historic road (SKTPO 1999, SKTPO 2000b).

The Polson Canal is divided into various segments, and two segments, segments B and D, lie within the project area (Figure 3.8-1). According to the Flathead Indian Irrigation Project maps and plans, the Polson B Canal enters the project area near MP 0.65 just east of the First Baptist Church, where it stays on the north side of S.R. 35 and flows east parallel to the roadway for nearly 0.5 mi (approximately 611 m (2,004 ft)) (SKTPO 2000). At MP 1.0, the Polson B Canal turns north toward Flathead Lake leaving the project area. The Polson D Canal enters the project area west of Hack Road/Dixon Lane and flows to the west roughly paralleling S.R. 35. Near MP 1.5, the Polson D Canal loops north across S.R. 35 and back south where it flows until it intersects with a spur running north under S.R. 35. All crossings of the Polson Canal under S.R. 35 are via concrete or metal culverts.

The project area is located on the CSKT reservation and concurrence regarding cultural resources is normally received from SKPTO. However, because the SKTPO conducted the 1999 Cultural Resources

Inventory for this project, they asked the Montana State Historic Preservation Office (SHPO) to review the inventory and supply the determination of effect. No comments from SHPO were received; therefore, it is assumed that SHPO concurs with the findings, recommendations of eligibility, and determinations of effect of the 1999 Cultural Resources Inventory. SHPO concurrence has also been requested for the 2000 Cultural Resources Addendum.

3.14.1 No-Action Alternative Impacts

There will be no impact to cultural resources as a result of the No-Action Alternative.

3.14.2 Preferred Alternative Impacts and Mitigation

Impacts: No impacts to the Polson Canal are anticipated as a result of the Preferred Alternative. Per the amended programmatic agreement regarding the treatment of historic irrigation ditches affected by highway construction in Montana between the FHWA, the Advisory Council on Historic Preservation, and the SHPO, "...structures associated with existing roads and built as part of the roadway, such as metal or concrete culverts, will be considered to be features of the roadway and not of an intersecting irrigation system" (FHWA 1993). Because the culverts that allow the Polson Canal to flow under S.R. 35 are considered to be features of the roadway and not features of the historic irrigation canal, no impacts to the Polson Canal are anticipated. During construction of the Preferred Alternative, replacement or repair of the culverts is anticipated; however, impacts are not anticipated to extend beyond the limits of the existing culverts.

Federal statutes and regulations (23 U.S.C. Section 138, C.F.R. Section 771) generally prohibit the use of land for transportation purposes from Section 4(f) resources, or a significant, publicly-owned park, recreation area, wildlife or waterfowl refuge, or NRHP-eligible cultural resource. Because there will be no impacts to cultural resources, parks, recreation areas, or wildlife refuges, there will be no impacts to any Section 4(f) properties as a result of the Preferred Alternative.

Mitigation: No mitigation measures are necessary. However, in the event that cultural deposits are discovered during construction, work will cease in the area of discovery, and the SKPTO and SHPO will be notified. The SKPTO, SHPO, or a designated representative, will evaluate any such discovery, and proper mitigation measures will be completed before construction activities resume. Further, the construction contractor will be responsible for informing all persons associated with this project that they will be subject to prosecution for knowingly disturbing any cultural resources or for collecting artifacts.

3.15 Noise

The traffic noise study for the S.R. 35 project was conducted according to the FHWA and the MDT *Traffic Noise Analysis and Abatement: Policy and Guidance* (FHWA 1995, MDT 1996). The noise impact of vehicles traveling on S.R. 35 was studied (BSA 2000).

The FHWA and MDT have established criteria to determine when traffic noise impacts will occur, resulting in a negative impact at noise-sensitive locations along a roadway. The noise-sensitive receiver locations within the S.R. 35 project area include residences and a church. According to both agencies, traffic noise impacts occur at these receiver locations if predicted traffic noise levels are 66 A-weighted Decibels (dBA) or greater in the project Design Year, or if the predicted noise levels in the Design Year are 10 dBA or greater than those in the Present Year. If either criterion is met, then a traffic noise impact will occur, and traffic noise abatement measures will need to be considered.

The noise impact criterion is presented as the A-weighted equivalent noise level during a one-hour period, ($L_{eq}(h)$). The equivalent noise level is defined as the steady state noise level that has the same acoustical energy as the actual, time-varying noise signal during the same time period. The $L_{eq}(h)$ metric is useful for traffic noise studies because it uses a single number to describe the constantly fluctuating noise levels at a receiver location as vehicles pass by.

Noise level measurements were conducted within the project limits, and verified that traffic noise on S.R. 35 appears to be the dominant noise source near the road. The measurements were also used to calibrate the FHWA's traffic noise model, STAMINA 2.0, which was used to predict the traffic noise levels at the receiver locations in the Present Year (1999) and the Design Year (2023).

The approximate receiver locations were determined using field observations, 1999 aerial photographs, and project drawings. In general, individual receiver locations may represent a single residence or a group of residences. Traffic noise level predictions were based on the projected rural and urban traffic volumes for S.R. 35 as stated in the *Revised Traffic Engineering Report* (Carter & Burgess, Inc. 2000). Table 3.15-1 summarizes the predicted noise levels at the receiver locations.

Table 3.15-1 – Predicted Traffic Noise Levels

Receiver	Approximate Milepost	No-Action Alternative 1999 $L_{eq}(h)$	No-Action Alternative 2023 $L_{eq}(h)$	No-Action Alternative Potential Impact in 2023?	Preferred Alternative 1999 $L_{eq}(h)$	Preferred Alternative 2023 $L_{eq}(h)$	Preferred Alternative Potential Impact in 2023?
R0-06N	0.06	65	68	Yes	66	69	Yes
R0-38N	0.38	64	66	Yes	63	66	Yes
R0-38S	0.38	59	61	-	59	62	-
R0-43N	0.43	57	60	-	57	60	-
R0-56S	0.56	55	57	-	55	57	-
R0-73S	0.73	61	63	-	59	62	-
R0-78S	0.78	61	63	-	59	62	-
R0-82S	0.82	63	66	Yes	62	64	-
R0-85S	0.85	60	62	-	59	61	-
R0-90S	0.90	59	62	-	58	61	-
R0-92S	0.92	62	65	-	61	64	-
R0-95S	0.95	64	66	Yes	63	65	-
R1-01S	1.01	54	57	-	54	57	-
R1-05N	1.05	65	68	Yes	65	68	Yes
R1-13N	1.13	65	67	Yes	63	66	Yes
R1-30N	1.30	63	66	Yes	61	64	-
R1-33S	1.33	56	58	-	53	56	-
R1-50S	1.50	62	64	-	63	65	-
R1-56N	1.56	63	65	-	58	60	-
R1-83S	1.83	59	62	-	57	60	-
R2-30S	2.30	62	65	-	61	64	-
R2-64N	2.64	62	65	-	61	63	-
R2-64S	2.64	54	57	-	55	57	-

$L_{eq}(h)$ is the A-weighted equivalent noise level during a one-hour period,

3.15.1 No-Action Alternative Impacts

For the No-Action Alternative, the predicted traffic noise levels meet or exceed 66 dBA in the Design Year at a total of seven of the 23 receivers. Therefore, traffic noise impacts will occur even under the No-Action Alternative.

3.15.2 Preferred Alternative Impacts and Mitigation

Impacts: For the Preferred Alternative, the predicted traffic noise levels equal or exceed 66 dBA in the Design Year at a total of four of the 23 receivers. Therefore, traffic noise impacts will occur for the Preferred Alternative. The four impacted receiver locations for the Preferred Alternative will also be impacted by the No-Action Alternative. In general, the total number of impacted receivers is less for the Preferred Alternative than for the No-Action Alternative, because the new centerline of S.R. 35 will be located farther away from the receivers than the existing centerline in the eastern portion of the project. Temporary noise impacts will occur from the construction operations.

Mitigation: Since traffic noise impacts are predicted, several potential noise mitigation measures were considered, including the construction of barriers or earthen berms between the road and a receiver, and traffic management measures such as reducing the speed limit or restricting the access of certain types of vehicles to the road. The conclusions were as follows:

- Access from many of the impacted properties to S.R. 35 and the location of cross streets will limit the location of a barrier or berm, and therefore reduce its effectiveness.

- Reducing the speed limit by approximately 8 kph (5 mph) to 16 kph (10 mph) on the road may result in a reduction in traffic noise levels of approximately 1 dBA. Although a 1-dBA reduction may reduce the number of impacted receivers, it will not eliminate the impacts.

- Restricting certain vehicle types, such as trucks from the road, and limiting the time of day that certain vehicles may use the road could help slightly reduce the noise levels. However, limiting truck access may not be a feasible mitigation measure for S.R. 35, since it will limit access by trucks to the commercial and agricultural properties along the road and between Polson and the east side of Flathead Lake.

At this time, the mitigation measures do not appear to be reasonable or feasible solutions to eliminate the traffic noise impacts at the receivers.

3.16 Air Quality

This proposed project along S.R. 35 is located entirely within the Flathead Indian Reservation which has been designated an "unclassifiable"/attainment area of Montana for carbon monoxide (CO) under 40 CFR 81.327, as amended. The Flathead Indian Reservation has been designated a "Class I" area under the U.S. EPA's Prevention of Significant Deterioration (PSD) regulations. Any stationary sources associated with the project that require air quality permitting (e.g., concrete batch plants, asphalt batch plants, generators, etc.) may need to comply with additional requirements due to the close proximity of a Class I area. However, the western portion of the roadway (approximately 2.4 km (1.5 mi)), is located within the City of Polson PM_{10} (particulate matter less than 10 microns in diameter) non-attainment area. The City of Polson is classified as moderate non-attainment for PM_{10}. The remainder of Lake County is designated as unclassifiable for PM_{10}.

Under the Clean Air Act (CAA) conformity requirements, projects located in CO and PM_{10} non-attainment or maintenance areas must not cause or contribute to any new localized CO or PM_{10} violations, or increase the frequency or severity of any existing CO or PM_{10} violations. Although the project is located partially within the PM_{10} non-attainment area, hot-spot modeling for PM_{10} is not required because EPA has not released an approved PM_{10} hot-spot model. The requirements for quantitative analysis for PM_{10} contained in 40 CFR 93.123 (B) will not take effect until EPA releases modeling guidance on this subject and announces in the *Federal Register* that these requirements are in effect.

Since the project is located in an area designated as "unclassifiable"/attainment for CO, the conformity requirements of the CAA do not apply to this project and CO hot-spot modeling is not required. Furthermore, since the primary intent of the project is to upgrade the roadway to current design standards and increase safety, the project itself is not expected to be growth inducing. However, regional growth is projected to lead to increased travel on the route.

3.16.1 No-Action Alternative Impacts

As a result of the No-Action Alternative, no impacts to air quality are anticipated.

3.16.2 Preferred Alternative Impacts and Mitigation

Impacts: During the construction period, local air quality may be affected. Disturbance of soil by earthmoving equipment will result in emissions of fugitive dust. Vehicle delays combined with exhaust emissions from construction equipment may cause elevated levels of some pollutants. Pavement sawing, paving, and painting operations may release PM_{10} and volatile organic compounds (VOC) into the atmosphere. However, since these emission sources will be temporary and intermittent, it is not expected that construction activities will result in any significant or long-term air quality impacts.

Mitigation: *Montana Regulation 17.8.308* states that “no person shall operate a construction site or demolition project unless reasonable precautions are taken to control emissions of airborne particulate matter.” According to *Montana Regulation 17.24.761*, possible fugitive dust control measures include periodic watering or chemical stabilization of unpaved roads; restricting the speed of vehicles on unpaved roads; enclosing, covering, watering or otherwise treating loaded haul trucks; minimizing the area of disturbed land; and promptly revegetating or stabilizing disturbed areas.

In addition, because the project area is located within the Flathead Indian Reservation, the following control measures will be used:

- A Fugitive Dust Control Plan will be prepared.
- Exposed soils within the construction area will be watered regularly or treated with a chemical dust suppressant.
- Construction vehicles and combustion equipment will be kept in good operating condition to prevent excess emissions of CO and NoX (Nitrogen Oxide).
- Vehicles entering a hard surface roadway will not carry mud and debris onto these roads.
- Fuel tanks of transport vehicles will not be overfilled.
- Curbs and gutters will be planned into the project where appropriate.

Implementation of these standard fugitive dust control measures will minimize the air quality impact of the construction phase of the proposed project.

Once construction is completed and regular use of the new roadway commences, the following PM_{10} control strategies will be employed:

- The project area will have a regular roadway maintenance plan that provides for frequent street cleaning to prevent road dust from becoming reentrained into the atmosphere.
- Street cleaning machines will use water spray to minimize airborne dust.
- Sand will be used during the winter months only when chemical de-icing fluid will be ineffective.

Furthermore, a memorandum of agreement (MOA) for the Polson non-attainment area was developed in the 1990’s between the CSKT, the City of Polson, Lake County, MDT, and EPA. The MOA requires that two control measures be employed within the non-attainment area:

- Only clean sand or chemical deicers will be applied to road surfaces, and
- Driving lanes, shoulder gutters, and drop drains within the Polson city limits will be swept and cleaned on a regular basis.

3.17 Hazardous Materials

Two potential hazardous waste sites exist along the S.R. 35 project corridor. These two sites are gasoline stations that were historically located at the intersection of S.R. 35 and U.S. 93 (URS 1999) (Figure 3.17-1):

- **The Northwest Montana Realty** (a.k.a. Remax Realty) property is located at the northeast corner of the S.R. 35/U.S. 93 intersection (Figure 3.17-1). This site was historically a Standard Oil Gasoline station that operated from the early 1960's until 1988. Two steel, empty or water-filled underground storage tanks (USTs) are located on the property. One UST is located in the parking lot south of the building, within 6.1 m (20 ft) of the existing ROW, and a vent port is visible in the concrete. The other UST is located under the east side of the building; it was built over during a building addition. These tanks are considered "permanently out of use" by the DEQ, and a removal or site assessment is not required by EPA unless human health or the environment is endangered (DEQ 1999). The building is currently being leased by an individual owner to two small businesses (Young 1999).

- **Tradewinds Realty** is located at the southeast corner of the S.R. 35/U.S. 93 intersection (Figure 3.17-1). This site was historically a Gulf Oil Gasoline station; the building is currently being leased to small businesses. Three 8,000-gallon USTs currently occupy the S.R. 35 ROW. Three fuel ports and vent pipes are visible from the surface, the fuel piping is capped, and the former pump island is covered with plywood. The three 8,000-gallon gasoline USTs were drained 20 years ago but have not been removed. These tanks are considered "permanently out of use" by DEQ, and a removal or site assessment is not required by EPA unless human health or the environment is endangered (DEQ 1999). The property is owned by an individual owner who bought the property in May 1975, operated the Gulf Oil Gasoline Station for 1.5 years, and closed the station in 1977 (Ingram 1999). It is unknown how long the gasoline station was in use prior to 1975, but the property building is visible on the 1964 U.S. Geological Survey map of the area (USGS 1964).

Other areas that were surveyed for hazardous materials include two landscape businesses that store pesticides and fertilizers located along S.R. 35. The chemical storage is inside buildings or considerably outside the ROW and will not be impacted by project construction (CSKT 1999). A Mission Valley Power substation is located approximately 885 m (0.55 mi) east of the S.R. 35/U.S. 93 intersection on the north side of S.R. 35. Empty transformers are stored within this fenced facility, but no hazardous materials/substances or USTs are located on-site. No staining, drums, or other indications of hazardous materials were observed during the site reconnaissance of the S.R. 35 project corridor (URS 1999).

3.17.1 No-Action Alternative Impacts

As a result of the No-Action Alternative, there will be no hazardous materials impacts.

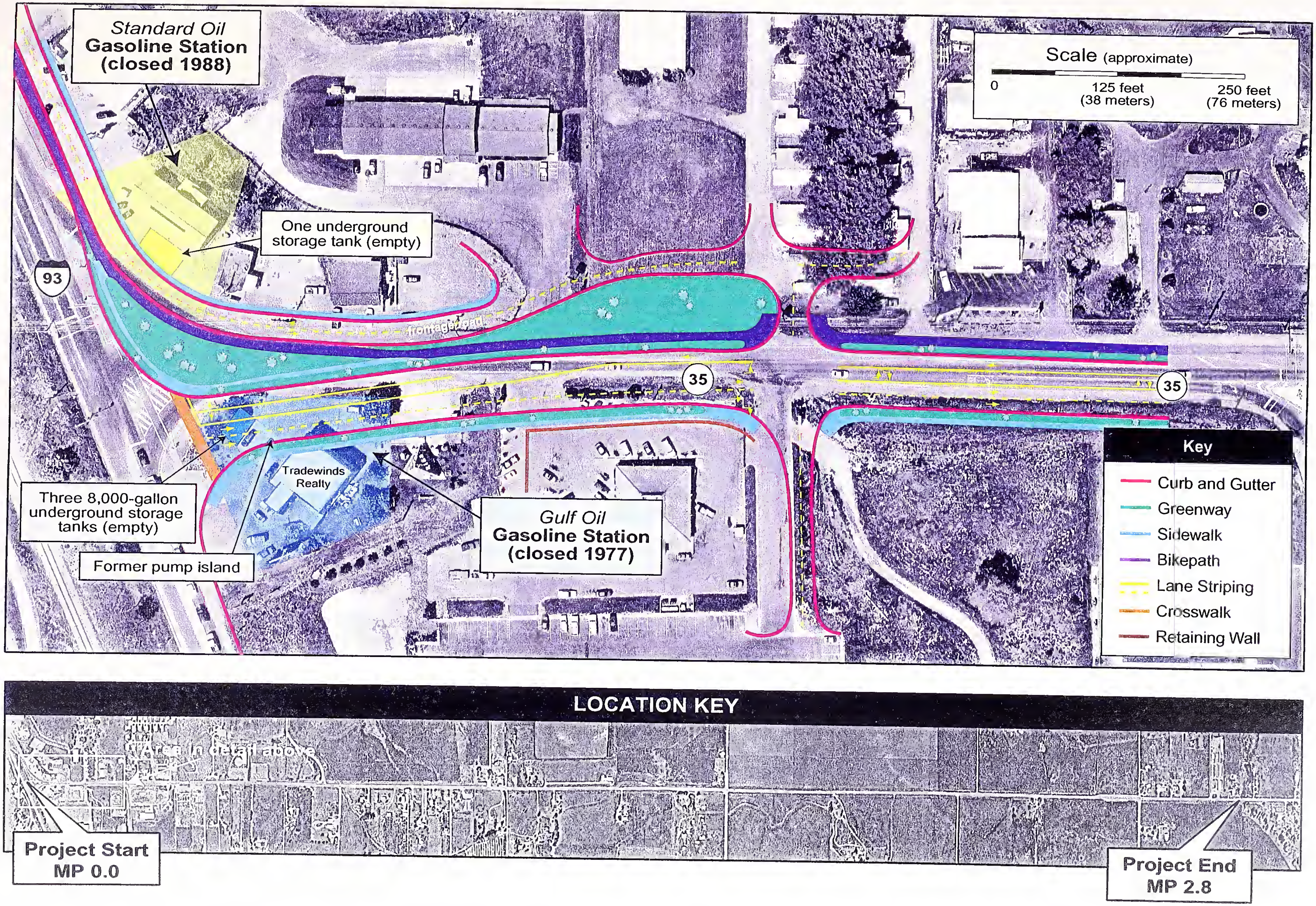
3.17.2 Preferred Alternative Impacts and Mitigation

Impacts: At the northeast corner of the S.R. 35/U.S. 93 intersection where the Northwest Montana Realty building is located, a Frontage Road will be built along the southern property boundary (Figure 3.17-1). Curb and gutter, as well as a sidewalk, will be located along the southern edge of the UST (associated with the historical Standard Oil Gasoline Station operations) that is located in the Northwest Montana Realty parking lot within 6.1 m (20 ft) of the existing ROW. No additional ROW is required for this area.

At the southeast corner of the S.R. 35/U.S 93 intersection, where the Tradewinds Realty building and USTs are located, the roadway will be shifted to the south to form a T-intersection with U.S. 93 (Figure 3.17-1). The roadway, curb/gutter, and bikepath will be placed over the three USTs associated with the historical Gulf Oil Gasoline Station operations.

Mitigation: The following mitigation measures will be employed to reduce impacts associated with hazardous materials:

Figure 3.17-1
Potential Hazardous Material Locations



- Because the new S.R. 35 roadway and ROW required at the southeast quadrant of the S.R. 35/U.S. 93 intersection will overlie the USTs and Tradewinds Realty Building, MDT will conduct a Phase II Site Assessment to determine if petroleum-contaminated soil and groundwater exist due to the historical gasoline station and fueling operations. Issues such as UST, fuel line, contaminated soil/groundwater removal and/or treatment will be addressed by the investigation. In addition, the USTs, fuel lines, and vent lines will be removed prior to construction.

- Due to the construction of the Frontage Road, there is a potential to encounter petroleum-contaminated soil associated with the UST and former fueling operations northeast of the S.R. 35/U.S. 93 intersection. MDT will conduct a Phase II Site Assessment to determine if petroleum-contaminated soil and groundwater exist. Issues such as UST, fuel line, contaminated soil/groundwater removal and/or treatment will be addressed by the investigation.
- The contractors will monitor for hazardous conditions and have the appropriate (Occupational Safety and Health Administration (OSHA) training (per *28 CFR 1910*) for hazardous waste site operations.
- Contractors will be required to store fuel and other hazardous material at locations away from the irrigation canals, storm sewers, and wetlands.
- Contractors will be required to use sealed forms to prevent concrete wash water or other contaminants from entering the irrigation canals, storm sewers, and wetland areas.

3.18 Secondary and Cumulative Impacts

Cumulative impacts are defined as impacts that “result from the incremental impact of the action when added to other past, present and reasonably foreseeable future actions regardless of which agency (federal or non-federal) undertakes such other actions.” In the context of this analysis, cumulative impacts are defined to include both roadway and recreation projects planned by MDT, CSKT, city and/or county agencies. Temporary cumulative impacts could occur during construction, especially during the peak summer visitor season. Permanent cumulative impacts could result from roadway and/or recreational improvements that increase access to the area and could lead to increased visitation and/or new development. Known planned projects in the Polson, Montana area are summarized in Tables 3.18-1 and 3.18-2.

3.18.1 No-Action Alternative Impacts

As a result of the No-Action Alternative, there will be no cumulative construction impacts.

3.18.2 Preferred Alternative Impacts and Mitigation

Impacts: The tabulation of proposed projects indicates numerous infrastructure improvement projects in the surrounding area (Tables 3.18-1 and 3.18-2).

Recreational Improvements

Recreational improvements, i.e., updating campground facilities, may attract more travelers to this region, but are likely to redistribute existing recreational use from other facilities within the area. It is not expected that the recreational area improvements will increase traffic volumes by attracting significant number of new users. The remaining discussion focuses on roadway and residential improvements proposed in the area.

Table 3.18-1 – Planned MDT Regional Construction Projects

Project	Project Number (1)	Highway and Begin Milepost	Length	Type	Year
Ronan-Polson	CN 1060 (1) F5-2 (33) 48 F	U.S. 93, MP 48	18 km (11.2 mi)	Full Reconstruction	Unknown
Bigfork-North & South	CN 4035 STPP 52-1(18)27	S.R. 35, MP 26	11 km (7 mi)	Reconstruction	2004-2005
U.S. 93 Corridor Preservation	CN 1744 NH 0002 (396)	U.S. 93, MP 7	93 km (58 mi)	Corridor Preservation	2003
Electrical – Pablo	CN 3599 STPHS 5-2 (90) 51	U.S. 93, MP 51	2 km (1.2 mi)	Signals & Turn Lanes	2001
Turnbays – South of Polson	CN 3600 STPHS 5-2 (86) 55	U.S. 93, MP 55	1 km (0.6 mi)	Safety Improvement	2001
Ronan Traffic Signals	CN 3858 STPHS 5-2 (91) 47	U.S. 93, MP 46.7 & 47.1	N/A	Signals & Lights	2001
Left Turn Lane, North of Pablo	CN 4428 STPHS 5-2(102)53	U.S. 93, MP 53	1.4 km (0.9 mi)	Safety Improvement	2002
8 K South of Polson-South	CN 3606 STPS 354-1(9) 5	S 354, MP 5.45	2.25 km (1.4 mi)	Reconstruction	2003
11 K South of Polson-South	CN 4469 STPS 354-1(12)7	S 354, MP 6.85	9.3 km (5.8 mi)	Reconstruction	2005
Ronan-West	CN 4280 STPS 211-1(3) 0	S 211, MP 0	15.7 km (9.8 mi)	Overlay, Pavement Preservation	2002
Swan River Bridge Replacement, SE of Ferndale	CN 4280 BR 9024 (15)	County Road 625	0.3 km (0.2 mi)	Bridge Replacement	2003

(1) CN = Control Number assigned by the Montana Department of Transportation
S = Secondary Highway
N/A = Not Applicable

A cumulative impact may be created by the Preferred Alternative by the introduction of non-motorized facilities (sidewalks and bikepaths) along S.R. 35 that connect to recreational and commercial land uses. By developing these facilities, the public will have a continuous path between U.S. 93 and Ducharme Lane off of S.R. 35. The combination of increased residential development and bike/pedestrian paths may result in inducing this type of travel to these facilities. However, the development of the sidewalks and bikepath are in response to public interest in order to provide safe facilities for pedestrians, and are not intended to mitigate congestion along the project corridor.

Traffic/Transportation

Roadway improvements and paving projects within the cities of Polson, Pablo, and Ronan are not expected to generate cumulative impacts, because the projects are refurbishing and expanding an existing infrastructure system. Likewise, the pavement preservation projects proposed on secondary and non-system roads are refurbishing the existing road network. At this time, these construction projects are not expected to close or detour roadway(s) for extended periods during 2003 and 2004, when S.R. 35, Polson-East is to be constructed.

Table 3.18-2 Planned CSKT, City and County Regional Construction Projects

Projects	Approximate Location	Size	Type	Year
CSKT PROJECTS				
Blue Bay Recreational Area Refurbishing	Flathead Lake	N/A	Update campground facilities.	2000-2002
Mountain View Homesites	South of S.R. 35 & east of Turtle Lake Road	4-10 homesites	New housing subdivision.	After 2000
Pablo Streets	Pablo		Reconstruction of existing and new streets and parking areas.	2001-2002
College Streets	Pablo		Construct streets east of U.S. 93.	2002-2003
City of Polson Projects				
Mission Bay Preserve Subdivision	North of S.R. 35, east of Hawk Lane	38 Single-Family Units	New housing subdivision.	Infrastructure to be completed by 2002.
Lake County Projects				
Irving Flats Road	West of Polson	3 mi	Paving existing gravel road.	2001
Dubay Road	South and east of Polson, near Mountain View area	2-3 mi	Paving existing gravel road.	2002 or 2003

The majority of these transportation projects (excluding the U.S. 93 reconstruction from Ronan-Polson) focus on safety and spot improvements that will not increase capacity. Travel time-savings may occur due to provision for turning and slow vehicles, allowing through vehicles to maintain travel speeds. These incremental time-savings may be offset by the introduction of traffic signals onto the corridor, which increases the delay (and travel time) for vehicles traveling the through roadway, U.S. 93. Typically, the projects will improve the existing two-lane roadways to two-lane roadways with current design standards and minimal capacity increase. In fact, most roadway improvements are to improve access to/from U.S. 93 to maintain through mobility while allowing safe access to adjoining properties. Reconstruction of U.S. 93 from Ronan to Polson will provide better through mobility on the through highway and to S.R. 35.

Regional trucking activities currently utilize S.R. 35 and U.S. 93. Excluding the U.S. 93 reconstruction, the incremental improvements identified in Tables 3.18-1 and 3.18-2 will not provide a consistently safer, quicker travel route that will be more attractive to truckers. Therefore, the cumulative impacts are not expected to change trucking travel patterns, and the reconstruction of U.S. 93 will enhance the trucking efficiency and provide a safer route of travel.

The introduction of access control onto U.S. 93 and S.R. 35 will change the traffic operations. The goal of access management to provide a safer roadway for the traveling public may result in preferred use of properties with well-designed access to/from the roadway. Overall traffic volume projections are based on historical traffic patterns and will not increase directly due to roadway improvements. Rather the volumes are projected to increase based on historical patterns and the expected trend of continued growth in western Montana.

Land use

The area surrounding the S.R. 35 project corridor is expected to continue the gradual change from agricultural land use to commercial (near the western end of the project) and residential (through middle and eastern portions of the project). This land use change is expected to occur with or without the proposed roadway improvements. The residential developments are driven by numerous factors in addition to roadway facilities. The residential subdivisions (listed in Table 3.18-2) will increase travel on the area roadways; but these developments are not expected to induce additional traffic above what will occur without the roadway improvements.

Socioeconomic

U.S. 93 corridor preservation may increase the land value for the properties with direct access to regional roadways such as S.R. 35. Properties with committed access onto regional roadways will become more attractive for development. The introduction of access control onto U.S. 93 and S.R. 35 may result in changing property values. Properties with no direct access may become slightly less desirable for development because of additional costs (real or perceived) to achieve access.

Construction Activities

Many of the identified projects in Tables 3.18-1 and 3.18-2 are planned to be constructed prior to 2003, when construction activities on the Polson-East project are anticipated to begin. However, a separate reconstruction project on S.R. 35 is proposed for 2004-2005 in the Bigfork area (S.R. 35, beginning at MP 26), and it is unknown when U.S. 93 will be reconstructed. Because Flathead Valley's peak recreational season runs concurrent with Montana's construction season, major roadway reconstruction may divert some recreational travelers, but the impacts would be temporary. There are limits on the ability to predict all cumulative and secondary consequences of the project. There are too many unknowns and complex factors to be able to predict the reasonable construction impacts with greater accuracy.

Mitigation:

- Any proposed construction on S.R. 35 should not occur in the same construction season as other major S.R. 35 and U.S. 93 construction activities, specifically the S.R. 35, Bigfork-North and South project and the U.S. 93, Polson-Ronan project.
- The Access Control Plan will be implemented for S.R. 35 to identify access to adjacent properties according to the same standards applied to other state roadway projects.
- The provision of bike/pedestrian paths in the Preferred Alternative will serve to redistribute some trips in the region from motorized to non-motorized travel.

3.19 Permits

Several state and federal permits will be required as part of the project approval process. These permits are identified in Table 3.19-1.

Table 3.19-1 – Permits Required for the Construction of the Preferred Alternative

Permit	Agency	Activities Requiring a Permit	Application Procedure/ Timeline
Shoreline Protection and Aquatic Land Conservation Ordinance (ALCO)	Confederated Salish & Kootenai Tribes – Shoreline Protection Office	Any activity that is proposed in or near any stream, river, lake, or wetland on the Flathead Reservation.	Submit application prior to initiating a project/30-60 days.
Notice of Intent – National Pollutant Discharge Elimination System (NPDES) General Permit	U.S. Environmental Protection Agency	Any activity on an Indian Reservation that will result in discharges to surface water or groundwater from both point and non-point sources (e.g., storm water detention pond).	Submit application and plans prior to initiating a project.
Short-Term Exemption From Montana's Surface Water Quality Standards (3A Authorization)	Montana Department of Environmental Quality – Water Quality Bureau	Any activity that may cause unavoidable violations of state surface water quality standards for turbidity, total dissolved solids, or temperature.	Submit application prior to initiating a project/14 days.
Federal Clean Water Act (404 Permit)	U.S. Army Corps of Engineers	Any project that will result in the discharge or placement of dredged or fill material into waters of the United States, including wetlands.	Submit application prior to initiating a project/ 10 - 90 days.

4.0 PUBLIC INVOLVEMENT AND PROJECT COORDINATION

4.1 Past Public Involvement

MDT and the project team (Stelling Engineers, Inc., URS Corporation (URS), and Carter & Burgess, Inc.) have coordinated meetings with citizens' groups, the CSKT, county commissioners, homeowners, and business owners for the purpose of keeping the public informed and allowing the public to comment on the project. The following public involvement activities have taken place during the development of this EA:

- On June 24, 1999, a South Shore-Highway 35 meeting for S.R. 35 users and individuals along S.R. 35 was conducted. Groups named "Residents for Responsible Development" and "Citizens for Scenic Lake County" sponsored the meeting. The purpose of the meeting was to elicit common community goals and to explore agendas, plans, and planned improvements on and along S.R. 35.

- On August 25, 1999, at 7:00 p.m., a meeting sponsored by the "Residents for Responsible Development" and "Citizens for Scenic Lake County" was held. Approximately 70 people were in attendance. MDT and Stelling Engineers, Inc., were invited to make presentations to the group.

- An S.R. 35 users meeting was held on October 7, 1999 at the Polson Library. There were approximately 15 people in attendance. After a brief presentation, the meeting broke into work groups and discussed safety and traffic calming, bikeways/pathways, and the preservation of the rural character, scenic views, and the environment along S.R. 35.

- Century 21 Big Sky Real Estate and the Super 8 Motel wrote a letter on October 18, 1999, to Stelling Engineers, Inc. Both businesses are located on the north side of S.R. 35 near the S.R. 35/U.S. 93 intersection. The letter focused on two concerns regarding the S.R. 35 reconstruction: first, a request that easy access to the two businesses be maintained; and second, that the construction period not adversely impact their busy seasons from May through September.

- On November 4, 1999, from 2:00 to 6:00 p.m., a Public Open House was held followed by a formal presentation at 7:00 p.m. The purpose of the open house and formal presentation was to receive public comments, answer questions regarding proposed improvements to S.R. 35, and to inform citizens of the design process and project progress. Speakers at the presentation included representatives of MDT, County Commissioner Dave Stipe, Mayor Mike Lies, and Stelling Engineers, Inc., who discussed such issues as construction funding, access, zoning, pedestrian and bikepaths, project goals, schedule, environmental issues, and alternatives. The public comments are summarized in Section 5.4 of this document.

- On December 15, 1999, Century 21 Big Sky Real Estate wrote a letter to the Mayor of Polson emphasizing that Century 21 and Super 8 would like S.R. 35 reconstructed so that their access is maintained.

- On December 21, 1999, the First Baptist Church, located along the north side of S.R. 35, wrote a letter to Stelling Engineers, Inc., regarding the S.R. 35 reconstruction. They stated that the purpose of the highway should be for safe and expeditious movement of traffic, and that the bikepath and traffic calming devices are desirable additions but should not be the driving planning force of the reconstruction. The letter also mentioned the need for adequate lighting in business areas, removing the hill obscuring the eastbound sight distance near the church, and redesigning the S.R. 35/U.S. 93 intersection by including a dedicated righthand turn lane onto U.S. 93.

- On February 3, 2000, a resident, Dudley Page wrote a letter to Stelling Engineers, Inc., regarding the S.R. 35 reconstruction. He commented on the S.R. 35 comment sheets passed out at the public meetings. He agreed with eliminating the hills to increase visibility, a wide two-lane design in the rural portion and a three-lane highway in the urban section, limited access using frontage roads along S.R. 35, and not encouraging further development.

- On August 8, 2000, Century 21 Big Sky Real Estate wrote a letter to Stelling Engineers, Inc., and MDT expressing their interest that Alternative No. 3 be selected for the U.S.93/S.R.35 intersection. They also suggested that MDT form a committee with affected business owners along S.R. 35 to discuss construction details and proposed that all construction occur from 11 p.m. to 6 a.m.

- On August 22, 2000, from 2 p.m. to 6 p.m., a Public Open House was held at the First Baptist Church, followed by a formal presentation at 7 p.m. The purpose of the open house and formal presentation was to receive public comments and answer questions regarding preferred S.R. 35 design alternatives. Stelling Engineers, Inc., presented the Preferred Alternative and discussed the design and EA schedule. The public comments are summarized in Section 5.4.

- On August 23, 2000, Mission Meadow Farm Bed and Breakfast wrote a letter to Stelling Engineers, Inc., supporting the selection of U.S. 93/S.R. 35 Intersection Alternative No. 3. They also expressed their support for the pedestrian/bikepath. They objected to the volume of fill proposed (16 ft) in front of their property, which would raise the highway, causing adverse aesthetic and noise impacts.

- On August 25, 2000, Foothills Electric (Gochis property) wrote a letter to Stelling Engineers, Inc., regarding consolidating access to their property, which is used for both residential and business use. Large 18-wheeled trucks deliver supplies to their business twice a week and consolidating the access may effectively prohibit their access, and also may not accommodate their fruit stand located along S.R. 35 three weeks a year. They also believe that the 60-mph speed limit is too fast.

- On September 15, 2000, Century 21 Big Sky Real Estate wrote a letter to Stelling Engineers, Inc., selecting Alternative No. 3 for the S.R. 35/U.S. 93 intersection. They also suggested that construction cease from May 15 through Labor Day, that MDT have a detailed construction contract, business access not be denied anytime during construction, and signage be installed for ease of business access.

4.2 Future Public Involvement

A Public Hearing is being planned for April 26, 2001 for public discussion of the EA. A Notice of Availability for the EA will be published in the *Lake County Leader* two weeks prior to the hearing. At this time, agencies and residents will also receive a mailing regarding the public hearing and availability of the EA for public review and comment. After the Notice of Availability, at the public hearing, and the two weeks following the hearing, the public has the opportunity to provide verbal or written comments, which will be included in the official project record. The EA is available for public review at the following seven locations:

Lake County Courthouse
106 4th Avenue East
Polson, MT 59860
Monday–Friday, 8 a.m.-5 p.m.

City of Polson
106 First Street East
Polson, MT 59860
Monday–Friday, 8 a.m.-5 p.m.

Polson City Library
2 First Avenue East
Polson, MT 59860
Monday–Friday, 11a.m.-6 p.m.
Saturday–Sunday, 11a.m. -3 p.m.

Salish Kootenai College Library
5200 Highway 93
Pablo, MT 59855
Monday–Friday, 8 a.m.-4:30 p.m.

The Confederated Salish and Kootenai Tribes of the Flathead Reservation
Highway 93
Pablo, MT 59855
Monday–Friday, 8 a.m.-4:30 p.m.

Montana Department of Transportation
2100 West Broadway
Missoula, MT 59807-7039
Monday–Friday, 8 a.m.-5 p.m.

Montana Department of Transportation
85 5th Avenue East North
Kalispell, MT 59903-0308
Monday–Friday, 8 a.m.-5 p.m.

The public comment period ends on May 11, 2001. Written comments should be mailed to the following contact name and address:

Joel Marshik, P.E.
Manager, Environmental Services
Montana Department of Transportation
2701 Prospect Avenue
P.O. Box 201001
Helena, Montana 59620-1001

Copies of the EA may also be obtained through MDT at the above address.

4.3 Agency Coordination

Coordination or contact with the following Tribal, federal, state, and local agencies has been conducted to inform them of the project, collect data, or solicit input on the project:

- Confederated Salish and Kootenai Tribe of the Flathead Nation
- Montana Department of Transportation
- U.S. Federal Highway Administration
- U.S. Department of Agriculture, Natural Resources Conservation Service
- U.S. Department of the Interior, Bureau of Indian Affairs
- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service
- U.S. Environmental Protection Agency
- Montana Fish, Wildlife, and Parks
- Montana Natural Heritage Program
- Montana Department of Environmental Quality
- Montana State Historic Preservation Office
- Mission Valley Power
- Confederated Salish and Kootenai Tribal Preservation Office
- Lake County Commission
- Lake County Land Services
- The City of Polson

Formal letters were sent to the Mayor of Polson, the CSKT , and the Bureau of Indian Affairs on May 9, 2000, asking them to be cooperating agencies during the development of this EA. No formal responses were received from the Mayor of Polson or the Bureau of Indian Affairs. On July 26, 2000, the CSKT wrote a letter to MDT declining the request to be a cooperating agency, but desiring to maintain the position of being directly involved in planning and commenting on the proposed project. The following meetings and coordination have taken place with these and other agencies:

- A Preliminary Field Review Meeting with the CSKT , MDT, and Stelling Engineers, Inc., was held on-site on January 11, 1999.

- On February 22, 1999, the BIA wrote a letter to MDT regarding replacing the Polson D Canal along S.R. 35 with 24-inch plastic irrigation pipe. BIA noted maintenance concerns and traffic and safety hazards associated with the canal, culverts, and steep banks. They suggesting relocating the Polson D Canal at MP 1.5 to the south side of the road.

- An MDT Consultant Field Review/Scoping Meeting was held on April 22, 1999. Stelling Engineers, Inc., and MDT staff were in attendance.

- Stelling Engineers, Inc., held an on-site meeting on May 7, 1999, with the BIA Flathead Irrigation Project to discuss irrigation issues along the project.

- On May 24, 1999, a letter was written by the CSKT to MDT regarding the S.R. 35 reconstruction. The Tribe recommended a shoulder width of 2.4 m throughout the project corridor to allow for bicycle traffic and space for drivers to correct errant driving patterns. They also suggested that curbs, gutters, and sidewalks be extended from the S.R. 35/U.S. 93 intersection to Orchard Lane.

- A meeting was held on-site with Stelling Engineers, Inc., and Mission Valley Power on June 25, 1999, to discuss utilities along the project corridor.

- On September 7, 1999, Stelling Engineers, Inc., and URS met with the CSKT to discuss the S.R. 35 project limits, design schedule, and the environmental evaluation. The CSKT said that they would like the project limits extended through Fulkerson's Corner to address Ducharme, Centipede, and Moss Creek crossings, as well as wetlands, fish, and sediment loading issues. The CSKT would also like a right turn lane from U.S. 93 to S.R. 35, and expressed concerns about the flooding that occurs at the Eagle Nest RV.

- On September 7, 1999 at 8:00 p.m., representatives of Stelling Engineers, Inc., made a presentation to the Polson City Council and Mayor Mike Lies. Stelling Engineers, Inc., reviewed the project limits, design schedule, and special design features, and explained that there potentially would be significant impacts to the existing city-owned water distribution lines and service connections. There were approximately 50 people in attendance.

- On September 15, 1999, the BIA wrote a letter to Stelling Engineers, Inc., regarding improving the Polson irrigation canal crossings to improve public safety. The letter noted that the Polson Z Canal crossing located 885 m (0.55 mi) east of the S.R. 35/U.S. 93 intersection causes a "hump" in the highway and lowers the sight distance. The BIA would like the canal moved west and lowered several feet. The Polson D Canal crosses S.R. 35 twice around MP 1.5. The BIA suggested putting the canal in plastic irrigation pipe on the south side of the highway outside the ROW and serving the irrigation pump with a siphon stub line crossing under the highway.

- On November 4, 1999, Stelling Engineers, Inc., made a presentation to the Lake County Commission where the project scope of work, schedule, and special design considerations were discussed. The Commissioners were supportive of the planned improvements.

- On December 9, 1999, MDT and Stelling Engineers, Inc., met with the CSKT . The purpose of the meeting was to discuss the CSKT 's request to have the project limits extended to include Ducharme Creek, Moss Creek, and Centipede Creek. The CSKT stated that the wetland and vegetative species are unique to this area, and the creeks are need of restoration. The CSKT said that MDT should look at future alignments through Fulkerson's Corner to avoid irretrievable commitment of resources. The Tribe is to review five project limit options and provide recommendations to MDT.

- On December 9, 1999, the Lake County Land Services, Planning and Sanitation Division wrote a letter to Stelling Engineers, Inc., regarding the need for a pedestrian and bicycle pathway through the S.R. 35 project corridor. The Division stated that the pathway is a high priority for the area residents and should be placed on the north side of the highway. The letter provided 11 design specifications for the pathway.

- On December 9, 1999, the City of Polson wrote a letter to Stelling Engineers, Inc., regarding the need for a pedestrian and bicycle pathway through the S.R. 35 project corridor. The City stated that the local citizen and government consensus has been that a pedestrian/bike pathway should be incorporated into the design. The letter provided 10 design specifications for the pathway.

- On December 16, 1999, the project team met with MDT to discuss the Draft Traffic and Engineering Report. Issues discussed included future level-of-service options for the rural section, including all traffic alternatives in the EA, traffic volume projections, the break point between the urban and rural sections, truck passing lanes, access management, walkways and bikepaths, the faulty storm drainage patterns, and extending the project limits through Fulkerson's Corner.

- On December 22, 1999, MDT wrote a letter to the CSKT regarding the Tribe's request to extend the project limits through Fulkerson's Corner. MDT stated willingness to partner with the CSKT to improve the stream crossings at Ducharme, Moss, and Centipede creeks. However, MDT does not want to extend the project limits, because there are no long-term plans for additional S.R. 35 projects along the east side of Flathead Lake. Also, the current project limits slow the traffic down by using the narrower roadway through Fulkerson's Corner and not tie MDT into a specific alignment through the curve for future projects. In addition, 805 m (0.5 mi) east of the project limits are environmentally sensitive and include Ducharme, Moss, and Centipede creeks, which may delay improvements to S.R. 35.

- On June 30, 2000, Stelling Engineers, Inc., met with local agencies at the Tribal complex in Pablo and conducted a technical review of the S.R. 35 preliminary plans and discussed the proposed impacts to irrigation facilities.

- On July 26, 2000, the CSKT wrote a letter to MDT declining MDT's request for the CSKT to be a Cooperating Agency on the S.R. 35 reconstruction project. The CSKT did request the position of being directly involved in planning and commenting on the proposed project (Appendix A).

- On July 28, 2000, an alignment and grade review meeting was held at the CSKT complex in Pablo. The purpose of the meeting was to acquaint the CSKT, the City of Polson, the Flathead Irrigation Project, and Lake County with the proposed project and answer questions. Stelling Engineers, Inc., presented the design alternatives and the project schedule.

- On August 21, 2000, a work session was held at the Polson City Hall. The session reviewed and edited the proposed access management guidelines and reviewed the preliminary plans for access management. Representatives from MDT, Lake County, the City of Polson and Stelling Engineers, Inc., attended the meeting. The CSKT Transportation Planner was unable to attend.

- On August 25, 2000, the City of Polson wrote a letter to MDT stating that the City would like a reverse frontage road incorporated on the north side of S.R. 35 extending east from the U.S. 93 intersection. The City would also like two lanes of eastbound traffic on S.R. 35 from the intersection.

- On September 1, 2000, the CSKT provided Stelling Engineers, Inc., comments on the S.R. 35 Access Management Guidelines. Specific recommendations were provided for the developed, intermediate, and rural areas, as well as existing access, new access, and land use changes.

- On October 12, 2000, the project team met with MDT to discuss the preliminary draft EA comments. Issues discussed included level-of-service requirements, the MDT Route Segment Plan, and auxiliary lanes. Based on the comments and discussion, a secondary and cumulative impacts section was added to the draft EA.

- On November 2, 2000, Stelling Engineers, Inc., met with the CSKT Water Management Program and Flathead Irrigation Project personnel to discuss storm drainage and irrigation issues along the project corridor. Stelling Engineers, Inc., described the five drainage alternatives in the Preliminary Hydraulics Report, and focused on Option 2B, which routes drainage from the west half of the project to a detention pond that drains to the Polson B Canal. The CSKT recommended adequate removal/controls for sediment, dissolved nitrate, sediment-attached phosphorus, and oil/grease from storm water before discharge to the canal.

4.4 Summary of Public Comments

November 4, 1999, Public Open House and Meeting – A total of 12 written and 19 verbal comments were received from the public at the open house and meeting. Many comments covered a variety of topics. Eight comments noted congestion, traffic, safety, speed, and collision concerns along S.R. 35, and two comments focused on the need for wider shoulders. Nine comments focused on the S.R. 35/U.S. 93 intersection, the need to expand the intersection, get rid of the righthand merge lane, and reduce the S.R. 35 approach grade to accommodate truck traffic. Three comments focused on the need for better business and residential access, and two comments noted the need for landscaping and to prevent the loss of trees from construction. Five comments were for and two comments were against the development of pedestrian/bikepaths and sidewalks along S.R. 35. Three comments were received to extend the project limits to Fulkerson's Corner and include Ducharme, Centipede, and Moss creeks. Five people commented on the various roadway alternatives and three people wanted the project schedule accelerated.

August 22, 2000 Public Open House and Meeting –Twenty-five verbal and three written comments were received from the public at the open house and meeting. The verbal comments are summarized first. Three comments focused on the need for a storm drain system to divert water and collect existing runoff. Two comments asked about the EA process: if there is a need for an Environmental Impact Statement and if it is appropriate for the EA to focus on the Preferred Alternative. One comment asked why propose two eastbound lanes and one westbound lane from the U.S. 93/S.R. 35 intersection, which were designed to provide better access to the businesses on the south side of the road. Four questions focused on access alternatives at Safeway Drive, for Wal-Mart, for the 4B's Restaurant, and for individual landowners.

Four comments focused on the need for the reconstruction of the U.S. 93/S.R. 35 intersection for pedestrian safety and speed concerns, and one person asked if the speed limit would be changed along the corridor. One individual asked if Hawk Drive and Orchard Lane would be realigned and another person was assured that the S.R. 35 reconstruction would match the new grade and curb poured at Haack Road. To address another question, MDT stated that the project did not include Fulkerson's Corner. Two questions focused on construction schedule, which is anticipated to extend from 2004 to 2006. The design plans will be updated to match new road conditions. One question focused on access to business during construction and whether night construction would be possible, although nighttime noise would be an issue. MDT said they would put together a construction sequencing plan to minimize impacts to businesses. One person mentioned that a fire station may be proposed along the corridor, and one comment noted that they liked the mail box turnout detail. Two questions focused on ROW acquisition and the need to control highway runoff.

Of the three written comments received, one comment stated that there should be no lighting past Heritage Drive so as not to ruin the rural setting. One comment stated that the Gauthier property needs to retain two access drives for business needs (i.e., big trucks, employee, and customer parking), and the third comment stated that the Gochis property access needs to accommodate 18-wheel trucks, their 29 ft motor home, and their cherry stand.

April 26, 2001 Public Hearing – To be summarized after meeting.

4.5 List of Preparers

The following table lists those who contributed to the writing and development of this EA.

Table 4.5-1 – List of Preparers

Name	Responsibility
URS Corporation	
Jane Boand, AICP	Project Manager, Section 4(f), technical review
Kristin Connolly, CHMM	Water Quality, Floodplains, Geology and Soils, Hazardous Materials, Public Involvement
Kirk Eakin	Wetlands, Wildlife and Fisheries, Vegetation, Threatened and Endangered Species, Permits
David Jones	Land Use, Recreation, Visual Quality, Relocations and Right-of-Way
Cheryl Eckhardt	Socioeconomics, Cultural Resources, Graphics
John Van Kirk	Air Quality
Rachel Wieland	Environmental Justice, Farmland
Stelling Engineers, Inc.	
Mitch Stelling, P.E.	Project Manager, Access, Right-of-Way
Alden Beard, P.E.	Storm water and Irrigation
Carter & Burgess, Inc.	
Kathy Harris, P.E.	Purpose and Need, Alternatives, Traffic
Big Sky Acoustics, LLC	
Sean Connolly, P.E.	Noise
NTL Engineering and GeoScience, Inc.	
Greg Klein, P.E.	Geotechnical Investigation
Confederated Salish and Kootenai Tribal Preservation Office	
Dave Schwab	Cultural Resource Inventory
Western Eco Tech, LLC	
Jeff Burglund	Biological Resources

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APPENDIX A

-Cooperating Agency Letters-

FLATHEAD NATION

THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION
P.O. Box 278
Pablo, Montana 59855
(406) 675-2700
FAX (406) 275-2806
E-mail: csktcouncil@ronan.net

Joseph E. Dupuis - Executive Secretary
Vern L. Clairmont - Executive Treasurer
Leon Bourdon - Sergeant-at-Arms

TRIBAL COUNCIL MEMBERS:
D. Fred Matt - Chairman
Jami Hamel - Vice Chair
Carole J. Lankford - Secretary
Lloyd D. Irvine - Treasurer
Darryl A. Dupuis
Margaret Goode
S. Kevin Howlett
Mary Lefthand
Elmer "Sonny" Morigeau
Ron Trahan

Tuesday, July 25, 2000

Mr. Joel Marshik
Environmental Services Manager
2701 Prospect Avenue
PO Box 201001
Helena, MT 59620-1001

RECEIVED
JUL 26 2000
STELLING ENGINEERS, INC.

RE: STPP 52-1 (17)0
Polson-East Highway
Control No. 4036

Dear Mr Marshik,

The Confederated Salish and Kootenai Tribes (CSKT) respectfully decline your request to be a Cooperating Agency on this proposed project. However, we maintain the position of being directly involved in planning and commenting on the proposal. We look forward to developing solutions to address the many concerns which the existing highway and adjacent property present.

We submit the following information in regards to the area:

- Ongoing projects in the vicinity include the reconstruction of Haack, Dupuis, and Turtle Lake Roads, respectively. A non-Tribal subdivision has been proposed east of the Mission Bay subdivision, on the north side of Highway 35.
- An environmental assessment has been completed for the Eagle's Nest RV Park in 1990. A Cultural survey was done for this project. Another request for a Cultural survey must occur and a request for survey must be submitted to the Tribal Preservation Office for the proposed highway project.
- A Confederated Salish and Kootenai Tribes, Aquatic Lands Conservation Ordinance (ALCO) application and permit must be obtained before any work is performed that would effect shorelines, water courses, or stream beds. We request that you coordinate your work plans with the CS&KT Water Quality Program and the CS&KT Shoreline Protection Program.

- The CS&KT request to be involved in design for highway signs to be consistent with designs on other highway projects throughout the Flathead Indian Reservation.

- There are no known mineral leases or mining activity, abandoned mines, or reclaimed mines in the project vicinity.

- There are no specific land leases or land uses that may be adversely impacted, other than those previously identified. Addressing impacts from Stormwater drainage should occur with the proposed project.

- There are no known lands present or being planned for usage as defined by *Section 4(f)* of the *Department of Transportation Act* **(49 U.S.C. 303)**. Lands that are publicly owned significant, state or local parks, wildlife refuges or recreation areas or sites eligible for inclusion, or in the National Register of Historic Places (*Section 106* of the National *Historic Preservation Act*, **16 U.S.C. 470**.

- No lands have been purchased or administered for recreational purposes under *Section 6(f)* of the *National Land & Water Conservation Fund Act* **(16 U.S.C. 460)**

We look forward to continuing work with the Montana Department of Transportation on this project.

Sincerely,

for D. Fred Matt
Chairman, Tribal Council
Confederated Salish and Kootenai Tribes

cc: Loran Frazier, MDT
Janice Brown, FHA
Mitchell Stelling, Stelling Engineers, Inc.

APPENDIX B
-Farmland-

USDA

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al
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vation

ighway 93 South
la, MT
9725

Cheryl Eckhardt
URS Corporation
4582 So. Ulster St.
Denver, CO 80237

June 9, 2000

Dear Cheryl,

Enclosed please find the soils information you requested on June 8 for the area south of Flathead Lake along highway 35 in Lake County, Montana.

These maps and associated attribute data are to be used as a primary reference source and are not intended for use in site-specific planning. This is public information and may be interpreted by organizations, agencies, units of government, or others based on needs; however, you are responsible for the appropriate application. Federal, state, or local regulatory bodies are not to reassign to the USDA-Natural Resources Conservation Service (NRCS) any authority for the decisions they make. Further, this statement shall be placed on all documents associated with an analysis or determination completed utilizing NRCS's soils data or map information.

The following soil map units are considered Prime farmland, if irrigated:

23	Colake silt loam, drained, 0 to 1 percent slopes
43	Dubay silt loam, 2 to 6 percent slopes
63	Gird silt loam, 0 to 2 percent slopes
64	Gird silt loam, 2 to 4 percent slopes
102	McCollum fine sandy loam, 2 to 4 percent slopes
126	Ninepipe silt loam, 0 to 2 percent slopes
156	Selon fine sandy loam, 0 to 2 percent slopes
157	Selon fine sandy loam, 2 to 4 percent slopes

The following soil map units are considered Farmland of Statewide Importance:

65	Gird-Dryfork silt loams, moderately wet, 0 to 1 percent slopes
85	Kerl loam, 4 to 8 percent slopes
159	Selon sandy loam, 8 to 15 percent slopes

If you have any questions related to this information you may contact me at 406 251-4826, extension 3. Thank you for your interest in the Lake County Area Soil Survey.

Neal Svendsen

Neal Svendsen
Resource Soil Scientist

Enclosures

U.S. Department of Agriculture

Form AD - 1006

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)	Date of Land Evaluation Request 3/27/01
Name of Project **Polson-East, State Highway 35** **STPP 52-2(17)0, UPN 4036**	Federal Agency Involved **USDoT – Federal Highway Administration**
Proposed Land Use **Highway Right-of-Way**	County and State **Lake County, Montana**
PART II (To be completed by SCS)	Date Request Received by SCS **3/14/01**

Does the site contain prime, unique, statewide or local important farmland? **Yes** ☒ No ☐ (If no, the FPPA does not apply - do not complete additional parts of this farm.)	Acres Irrigated	Average Farm Size **450 Acres**

Major Crop(s) **Irrigated Hay**	Farmable Land in Govt. Jurisdiction Acres: %	Amount of Farmland as Defined in FPPA Acres: %
Name of Land Evaluation System Used **N/A**	Name of Local Site Assessment System **N/A**	Date Land Evaluation Returned by SCS **3/14/01**

PART III (To be completed by Federal Agency)		Alternate Site Rating			
		Site A	Site B	Site C	Site D
A. Total Acres to be converted directly		15.46			
B. Total Acres to be converted indirectly					
C. Total Acres in Site					
PART IV (To be completed by SCS) Land Evaluation Information					
A. Total Acres Prime and Unique Farmland		11.57			
B. Total Acres Statewide and Local Important Farmland		3.89			
C. Percentage of Farmland in County or Local Govt., unit to be converted					
D. Percentage of farmland in Govt. Jurisdiction with same or higher relative value.					
PART V (To be completed by SCS) Land Evaluation Criterion Relative Value of Farmland to be converted (Scale of 0 to 100 Points)					
PART VI (To be completed by Federal Agency) Site Assessment Criteria (These criteria are explained in 7 CFR 658.8(b))	Max Pts.				
1. Area Nonurban Use	15	13			
2. Perimeter in Nonurban Use	10	6			
3. Percent of Site Being Farmed	20	2			
4. Protection Provided by State and Local Govt.	20	0			
5. Distance from Urban Builtup Area	N/A	N/A			
6. Distance to Urban Support Services	N/A	N/A			
7. Size of present farm unit compared to average	10	0			
8. Creation of nonfarmable farmland	25	0			
9. Availability of farm support services	5	5			
10. On-farm investments	20	0			
11. Effects of conversion on farm support services	25	0			
12. Compatibility with existing agricultural use	10	0			
TOTAL SITE ASSESSMENT POINTS	160	26			
PART VII (To be completed by Federal Agency)					
Relative value of farmland (From Part V)	100	100			
Total Site Assessment (From Part VI above or a local site assessment)	160	126			
TOTAL POINTS (Total of above 2 lines)	260	126			

Site Selected:	Date of Selection	Was a Local Site Assessment Used? Yes ☐ No ☐

Reason for Selection:

(See instructions on reverse side) Form AD-1006(10-83)

APPENDIX C
-Public and Agency Letters-

Polson East

CC: Brazda
Marron
Pois
Hydraulics
TIW
7/24

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
FLATHEAD AGENCY
BOX A
PABLO, MONTANA 59855

IN REPLY REFER TO:
Flathead Irrigation Division
P.O. Box 666
St. Ignatius, MT 59865

99 FEB

FEB 22 1999

Related Project: STP 52-1(17)0

CC: S.A. Noseem
Precon file
Hyd.
8/18/99

Jim Weaver, District Administrator
Montana Highway Department
2100 West Broadway
Missoula, Montana 59807

Re: Replacing Polson D Canal with Plastic Irrigation Pipe

Dear Mr. Weaver,

About every other year we have been repairing the canal bank on Polson D Canal between Stations 264 to 269, at about Mile Post 1.5 on Montana Highway 35. This entry is difficult because of the narrow canal bank, and hauling additional material requires the use of small trucks. To overcome the repeated leakage conditions, we had decided to replace 600 feet of open canal with a 24" plastic irrigation pipeline (pip).

On February 9, 1999, Clay Colby of the Kalispell office, and Darren Hoffman, engineer from the Missoula office met with our staff engineer to examine the area. They have suggested this letter to your office requesting clarification of the issues.

During that visit, it was noticed that the culvert inlets and outlets, along with the steep banks and the open canal also present traffic hazards. These considerations involve the issue of public safety which is the purpose of this letter of inquiry. Rather than simply replacing the open canal along the north side of the road, we could re-locate the canal on the south side of the road by excavating through the hill. This alternative requires about 1500 feet of 24" diameter pip. On the west side culvert crossing the water flow would be changed to feed the pump and flood delivery from south to north. If the hill is to be lowered by any future projects, a siphon pipe could be installed to provide the service.

What we would like from your office is a statement to help clarify the degree of hazard to the motoring public, and to itemize any contribution which could be made to support any corrective measures. If there were economic support from your department for putting in the longer pipeline, the project would rise in our construction. If the hazards are not of great significance, we will install the pipe on the north side of the highway in the present canal right-of-way.

Note: District has meet/discussed this with Irr. officials and agreed to participate as appropriate. They've made our Consultant aware also.

Thank you for your consideration in this matter.

Sincerely,

Superintendent

Enclosure: Photocopy of the area 8 inches = 1 mile

FLATHEAD NATION

THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION
P.O. Box 278
Pablo, Montana 59855
(406) 675-2700
FAX (406) 675-2806

Joseph E. Dupuis - Executive Secretary
Vern L. Clairmont - Executive Treasurer
Frederick Cordier - Sergeant-at-Arms

TRIBAL COUNCIL MEMBERS:
Michael T. Pablo - Chairman
D. Fred Matt - Vice Chairman
Carole J. Lankford - Secretary
Wm. Joseph Moran - Treasurer
Donald "Donny" Dupuis
Michael Durglo, Jr.
Jami Hamel
Mary Lefthand
Elmer "Sonny" Morigeau
Lloyd D. Irvine

May 24, 1999

Carl S. Piel, P.E.
Montana Department of Transportation
P.O. Box 201001
Helena, MT 59620-1001

STPP 52-1(17)0
Polson - East
CN 4036

Dear Mr. Piel:

The Tribes are pleased that the Montana Department of Transportation may reconstruct 2.9 miles of Montana Highway 35 from U.S. Highway 93. The preliminary Field Review Report lists the typical sections of the roadway with 3.6-meter lanes, 1.2-meter shoulders, and a 4.2-meter two-way left turn lane.

The Tribes recommend that the shoulder width be at least 2.4 meters throughout the entire project corridor. Wider shoulders accommodate bicycle traffic and allow extra space for drivers to correct errant driving patterns in both urban and rural sections.

Additionally, curb, gutters, and sidewalks should be extended to Orchard Lane (RP 0.71) to encourage and facilitate pedestrian traffic into the shopping areas. Wider shoulders and sidewalks promote non-vehicular traffic use of the roadway.

Thank you for reviewing the Highway 35 corridor.

Sincerely,
CONFEDERATED SALISH AND KOOTENAI TRIBES

Michael T. Pablo
Michael T. Pablo, Chairman
Tribal Council

RECEIVED

JUN 18 1999

STELLING ENGINEERS, INC.

Date Recd Precons 6/4/99

Initial															
Attach															
MAIL ROUTE	30 Precons Engr	30 Assistant	30 Office Mgr	31 Safety Mgmt.	32 Road Design	33 Environment	34 Hydraulics	35 Survey & Mapping	36 Traffic Eng	39 Consultant Dsn.	J.T. Weaver				File
Info	✓	✓								✓	✓				✓
Act															

8-25-99

RECEIVED
SEP 01 1999
STELLING ENGINEERS, INC.

CC' Brazds
Marron
Sam Nasseken
*Mitch Stilling
8-30-99

Mrs. Nancy A. Gordon
1112 So. Shore Rt
Polson, Mt. 59860

Dear Mrs Gordon,

I would like to take this opportunity to thank you for taking a leadership role in the proposed hwy 35 improvement project. Citizens who take the time from family and other activities make a difference in any community, and we do appreciate the time you have devoted to making the community aware of the options available.

I am the owner of the Rocking C Ranch property at the 7 mm on hwy 35; when we received your leaflet and read "It was welcome news this Spring that MDT would be doing an improvement, rebuilding project-beginning at the light on Hwy 93 and extending for about three miles on Hwy 35" , I "assumed" from the wording that this program would be starting in the near future. This being the case I felt it would be essential to attend the meeting as any construction on Hwy 35 will most certainly have a negative effect on traffic flow using the hwy while the construction is in progress. In order to attend this meeting I had to adjust the work schedules of 3 people,and pay a staff member to cover my duties here. Had I known that the project was not funded, and was projected to begin in 2-5 years I would not have attended. In the future for those of us that are not "retired" and work a schedule other than 8-5 perhaps a more accurate representation of the meetings would be appropriate, I certainly would have appreciated that courtesy.

I moved to this area over 9 years ago, and like yourself have seen the rapid changes taking place in this area, and like most property owners here I too share the concerns of others; mainly issues such as quality of life, safety and the environment. However I also am in business, and as you may know small business in Lake County produce a marginal income, a fact I was well aware of prior to moving to the area. As my family and I survive on the income derived from my RV Park, and because I have had experience living and attempting to do business next to hwy construction projects I feel it is appropriate to express my concerns to you. I will of course also express these concerns to Mr. Weaver and others at the appropriate time.

Some facts based upon 2 years living within a similar project.:
1. The MDOT will make an excellent presentation when the project is designed, and will assure each home and business owner that "reasonable access" to homes and business will be provided during the project.(I Have heard this term used before in similar meetings with road dept .officials) Mr.Weaver even used that term in this evenings meeting. MDOT officials and planning consultants/engineers are trained very well to do this.

2. The engineering firm and contractor doing the project will also do PR work to assure home and business owners that the legally required "reasonable access" will be provided.

3. Once the project begins the words of Mr. Weaver and others related to access will be meaningless. Keep in mind the subjective nature of the term "reasonable".

Keep in mind that no matter what community input is, no matter what our hwy 35 residents wish, the contractor doing the project has a set of priorities. These priorities deal with one main issue: MONEY, MONEY, MONEY, PROFIT, PROFIT, PROFIT, and oh yes....there are people who live and do business here, and yes the road will be open, as the law requires it; however when decisions are made regarding access the LAST people to be considered will be business and home owners. The decision making process is quite simple, the contractor has a deadline, and they will make Every effort to put Profit before any other issue. Daily decisions are made by construction project managers who do not live here, who do not survive because of the hwy traffic, rather those decisions will be made based upon expediency, not anyone's convenience. This is a FACT, I have lived it, and KNOW.

For the average home owner living in or near the area the inconvience and potential safety improvements will be worth the dust, restricted access, and intolerance of the contractor facing a deadline. These things will pass, and in time the improvement will be worth the problems. I must at this point tell you that if I just had a home in the area I would feel the exact same way, however based upon Experience I will tell you something different. If Hwy 35 access is restricted, which it will be, I will loose my home, my business and everything my wife daughter and I have worked for our entire adult lives. You see traffic will be routed on to hwy 93 and the West shore at the intersection to assist the contractor and those involved in this project. There will be NO RV Traffic on the East shore, this im sure will make some happy, however the price for my family will be as described. This situation will not be covered by laws related to "takings" and no compensation is possible for any business, again I have lived with such a project in another business, and Know what to expect.

It did not surprise me that at tonights meeting not one person even suggested a concern about traffic flow during the project, or the potential loss suffered by existing business. I realize this is not your focus, and I believe most attending would be pleased if my home and business would disappear; however I also feel that as a community leader, someone who has and will devote many hours of your time to this issue you should be aware that there will be a long term price for some. In my case it will be everything my family owns, including our home. Ask yourself Mrs. Gordon, how you would feel if you knew that in the very near future you would have nothing.....that all that you and your husband have worked for is gone, and that instead of worrying about a place for your children to ride bikes, you instead would be worried about which shelter you would take your family to. This may to you seem an overreaction, but again please understand I lived in exactly the same situation for a period of 2 years, and KNOW how these projects work.

Rather than being totally negative at this point I would like to suggest a possible way to mitigate to some degree the situation I have described. I would like to see a committee formed that would have the responsibility of working with MDOT related to issues such as access of the highway Before the project starts. Issues such as warning signs and the wording of same would be one way to help those of us who stand to loose everything we have. Again I know that you have taken on this community involvement project for reasons other than issues related to Business, however by writing I hope to at least point out to you and others some of the effects these road projects have.

Again Mrs. Gordon, I know that you are not in business here, are not responsible for my being where I am, and have no reason to be concerned about my personal future. I also Know that you do have concerns for the community, and hope that you will at least understand that there are issues of more importance to some than bike paths, golf cart trails, horse trails etc.

I have always felt that people in a community can work together, hand in hand, and through compromise most everyone's needs can be addressed. By taking a stand, calling the meeting tonight, and becoming active you have become a community leader. In this I wish you well, and only hope that my letter will broaden your understanding of what those in this area will face in the next few years.

I was not able to stay longer than 8:30 this evening as I had other responsibilities, otherwise I would have introduced myself, however I will make a point of doing that in the future. I also hope that you do not get the impression that I oppose any of the suggestions for the highway that you and others have made, I just felt that you should have additional facts, and the meeting tonight was not the place for me to express them.

My Very Best Regards,

Bob Pierce
Rocking C Ranch

Polson East

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
FLATHEAD AGENCY
BOX A
PABLO, MONTANA 59855

IN REPLY REFER TO:

September 15, 1999

RECEIVED
SEP 20 1999
STELLING ENGINEERS, INC.

Mr. Mitchell N. Stelling, P.E.
Stelling Engineers, Inc.
600 Central Plaza, Suite 206
Great Falls, Montana 59401

Re: Highway 35 Polson-East Highway, STTP 52-1(17)0, UPN 4036
Form Letter from Mitchell N. Stelling, P.E., Stelling Engineers, Inc.

Dear Mr. Stelling:

For the past several years, the Flathead Irrigation Division of the Bureau of Indian Affairs has been trying to get direction or assistance from the State of Montana Highway Department for changing the high level irrigation canal crossing in this piece of roadway into a lower level crossing for improving highway safety. The people who have helped us are John Morron, Jim Weaver, Steve Herzog, Clay Colby, and Darren Hoffman from the Montana Highway Department.

In on-site meetings, letters and conversations we have requested a statement or input stating that the irrigation crossings could be improved in the interest of public safety, so we could be justified in spending the irrigator's funds for improving these areas. To our personnel, the open canals are a severe public hazard, but there is no statement in our files from the Montana Highway Department to give credence to that opinion or to say the crossing are safe within accepted standards or guidelines.

The areas of interest are just east of the Baptist Church and east of Haack Road. At the power sub station, there is a culvert (Z Canal) which makes a hump in the highway and lowers the sight distance. We would like to see this culvert maved west and lowered several feet. East of Haack Road the Polsan D Canal crosses the highway twice. We would like to put D Canal into a 24" plastic irrigation pipe (pip) out of the highway right-of-way, and serve the irrigation pump with a 12" siphon stub line crossing under the highway at a much lower level. We would like to meet with your people to discuss these changes, cost sharing, project timing, or any aspect of improving the public safety or improving the irrigation praject in this area.

Sincerely,

~~Superintendent~~ ndent, Flathead Agency

0211 - Polson Part

Century 21.
Big Sky Real Estate
19 South Shore Route, P.O. Box 1027
Polson, Montana 59860
Bus. (406) 883-5387 / (406) 883-5201
Fax (406) 883-5389
Email www.c21bgsky@digisys.net

RECEIVED
OCT 20 1999
STELLING ENGINEERS, INC.

October 18, 1999

Mitch Stelling
Stelling and Associates
600 Central Plaza #206
Great Falls, Montana 59401

Dear Mitch:

Having attended several of the highway 35 meetings, discussed the issues with many of the business owners on the junction we wanted to place in writing our present concerns.

To begin with, we have appreciated your time and interest in speaking to the owners of property along 35. We realize that improvements are called for. It is our sincere hope that the business owners, your firm and the state can reach agreement on how to best improve highway 35.

Our first concern is access to our businesses. For a real estate company or a motel the business must be visible and have easy access for customers. Both of our businesses have depended on our visibility and good access over the years. We simply can't afford to have this access compromised. We are confident that the road can be redone in a manner that does not impact access into our businesses.

Our second concern is the construction period. You are surely aware that this is a very seasonal business community. We average about 70% of our income from May through September. If road construction were done in such a manner to adversely impact access to our business during this time period the effect on our income would be devastating. It is our view that construction must factor in these critical time periods for the businesses in the area and not adversely impact traffic into our businesses.

Again, we appreciate your time and look forward to discussing these and many issues with you in the future.

Sincerely yours,

Ric Smith
Broker Owner
Century 21 Big Sky
Cc: Jim Weaver

Ken Donovan
Ken Donovan
Owner
Super Eight Motel

Each Office Is Independently Owned And Operated

POLSON
City of Polson • P.O. Box 238 • Polson, Montana 59860-0238 • Telephone 406-883-8200 • Fax 406-883-8238

December 9, 1999

RECEIVED
DEC 14 1999
STELLING ENGINEERS, INC

Mitchell N. Stelling, P.E.
Stelling Engineers, Inc.
Suite 206
600 Central Plaza
Great Falls, MT. 59401

Re: design proposal for pedestrian and bicycle pathway for the MDOT Highway 35 project.

Dear Mitch:

Following discussion with local citizens and the various governing bodies at the local level regarding the Highway 35-reconstruction project, the consensus has been that a pedestrian/bike pathway should be incorporated into the design. The following proposal is being submitted so as your consulting firm and the MDOT can evaluate how such a design could be incorporated into the scope of the project. Please review this preliminary design concept and respond on the feasibility of such a proposal. This proposal would be similar in concept to what has recently taken place along the corridor entering Whitefish from the South. I will be talking with Whitefish Assistant Engineer, Karin Hilding, about issues revolving around the development of their design concept and how it was incorporated into the highway project.

Proposed Design Specifications:

1. The pathway would be located to the north side of Highway 35. Starting point of such pathway would commence at either the intersection of Highway 35 & 93 or at the east property line of the Super 8 Motel and continue east to the Ducharme Ln. access. The purpose of starting at the east property line is due to the limited setbacks for the businesses right on the intersection and existing right-of-way. Some comment has been made about negotiating with property owners in that area to grant a easement to link the Highway 35 sidewalk/path back around toward the golf course club house, then back out to Highway 93 at the Bayview/Bayshore intersection.
2. The path would be approximately 10 feet in width (City/County zoning standard) to accommodate both pedestrian and bike travel.
3. The path would consist of concrete with curb and gutter in the urban section of the project, then develop into a trail surface of asphalt, crushed gravel or similar materials to its terminus.
4. The path would follow in a straight line along the urban section and develop into a winding trail through the more rural sections of the project.

5. The path would be separated from Highway 35 by a 3-5 foot landscape buffer (City/County zoning standard) or cutout areas for clustered landscaping depending on right-of-way.
6. The buffer strip landscaping would consist of low-maintenance materials, such as strategically placed river rock, small trees, native grasses and shrubs.
7. Bulb turnouts with benches would be strategically located to take advantage of the views of Flathead Lake and the Mission Mountains.
8. Interpretive signage would be placed periodically to inform users of past history and describing the natural landscape within the viewing area.
9. Safe crossings would be provided at the Heritage Ln. and Haack Road junctions. Therefore providing access to the commercial development on the south side of the urban section and linking the path to the Confederated Salish & Kootenai Tribes housing complex currently under construction.
10. Maintenance of the pathway could be negotiated between all parties involved. Some proposals have discussed citizen participated maintenance programs or possible grant monies to support maintenance.

The determination of the path to be located on the north side of the Highway would allow maximum enjoyment of the views and allow access to the Mission Bay Development, the public lake/fishing access at Ducharme without having to cross the highway. Some comment was given on the possibility of the crossing at Haack Road to travel under the Highway for safety consideration due to proposed speed limits in that area.

Completing the sidewalk on the south side of Highway 35 from the current 1st Interstate Bank location to the intersection of Highway 35 & 93 has also been proposed. One issue of relevance to that is recent comments I have received about a Highway Approach permit being issued to Gary Wicks/ 1st Interstate Bank for a convenience store which would be constructed between the Current bank location and the Safeway access off Highway 35. My understanding, although second hand, is that this permit was issued by Steve Herzog out of Kalispell. The City of Polson has not seen any plan submittal or applications for such project, and would like to see some proposal before another approach is located in this area. I'm not sure you or MDOT design staff working on this project was aware of this, but seems to be of importance to the project.

One of the purposes of keeping the pedestrian/bike path off the shoulder of the highway is to give a certain sense of comfort and safety, thus encouraging greater use of the system. The proposed surface materials in the rural sections would decrease initial funding for this portion and can be repaired at a lower cost.

Any information you can provide me on MDOT standards relating to paths, sidewalks, etc. within the Corridor "clear zones"; responsibilities for maintenance of paths & sidewalks on the shoulder vs. off the shoulder; and responsibilities for funding design, cost estimates, and bidding the pathway would be very helpful.

I have attached some information out of the Polson Development Code & Master Plan for you and MDOT to review. This Code was jointly adopted by the City & County and developed for the Polson Master Plan Area, which encompasses the land out to Haack Rd.

The local community would appreciate your consideration of this proposal and comments on potential negative aspects. If you would like to discuss any of the comments in this letter or other topics please give me a call at 883-8216.

Sincerely,

Monte Sipe,
Polson Building & Planning Official

Cc: Mike Lies, Mayor of Polson
Jim Weaver, MDT
Samuel Naseem, MDT
James Durglo, CS&KT
Nancy Gordon, Citizen Design Group

LAKE COUNTY LAND SERVICES
PLANNING AND SANITATION
106 Fourth Avenue East
Polson, Montana 59860-2175
Telephone (406) 883-7236
Fax (406) 883-7205

RECEIVED
DEC 13 1999
STELLING ENGINEERS, INC.

December 9, 1999

Mitchell N. Stelling, P.E.
Stelling Engineers, Inc.
Suite 206
600 Central Plaza
Great Falls, MT 59401

Re: A pedestrian and bicycle pathway through the MDT Highway 35 project corridor

Dear Mitch:

During discussions with local citizens regarding the Highway 35 reconstruction project on which you are providing consulting services, many people have mentioned to me that they would like to have a recreational path from which to view the south shore of Flathead Lake and the Mission Mountains. My impression is, following the improvement of safety to the Highway, this is the highest priority of the area residents. I trust that the public comment you have received demonstrates this as well.

I am writing this letter to request a pedestrian and bicycle pathway be included in the reconstruction project plans. This is a preliminary proposal intended to allow you to evaluate the logistical possibilities and constraints of such a plan, which you stated would be useful during our recent telephone conversation.

Design Specifications:

1. The pathway would be located on the north side of Highway 35. It would commence at the junction of Highway 35 and Highway 93 and terminate at the road leading to Ducharme Landing.
2. The path would be approximately 10 feet in width to accommodate both pedestrian and bicycle travelers.
3. The path would be paved along the designated urban section of the Highway and would be surfaced with crushed gravel or other earthen materials along the more rural section of the highway.
4. The path would be laid out in a straight line along the urban section of the Highway and proceed in a winding, more trail-like manner through the more rural section of the corridor. Examples of this type of meandering pathway construction are available south of Whitefish and in Missoula.
5. The path would be separated from Highway 35 by a landscaped buffer strip which would be at least five feet in width.
6. The buffer strip landscaping would consist of low-maintenance materials, such as strategically placed small boulders, crushed gravel, native grasses and low lying shrubs. Lake County recommends against laying grass turf in the buffer strip.

9911

7. A sign designating the path as a bicycle and pedestrian travel lane would be placed at both ends.
8. Benches would be located periodically to take advantage of the views of Flathead Lake and the Mission Mountains.
9. Interpretive signs would be placed periodically to inform travelers of the human and natural history of the area.
10. A road crossing would be placed at the junction of Highway 35 and Haack Road. This crossing would connect to the sidewalk currently being constructed by the Confederated Salish and Kootenai Tribes and leads to a Tribal housing complex.
11. Maintenance of the pathway would be provided by citizen groups to be coordinated by Lake County within its jurisdictional area and by the City of Polson with its jurisdictional area.

General Discussion:
Locating the path on the north side of Highway 35 would provide for the best recreational experience due to the views the lake and because the path would terminate at a public lake access, providing additional recreational opportunities. The configuration of the path would accommodate the limited width associated with the more urbanized area, while the rolling, contoured design would be appropriate for the more rural section of the Highway.

Placing the path separate from the road would give travelers a greater sense of security and therefore increases the number of users. In the rural section, the surface construction would allow for relatively low-cost repair of the path in case it would need to be torn up for the maintenance of utility installations. Additionally, the relatively low-maintenance nature of the proposed landscaping would also diminish some of the costs associated with its upkeep.

I realize this proposal poses many engineering, financial, and logistical challenges. Nonetheless, the citizens of Lake County have requested a separated recreational pathway and we would like to see one incorporated into the reconstruction project. It is my hope that the Montana Department of Transportation, the Confederated Salish and Kootenai Tribes, the City of Polson, Lake County and local citizens can work together to find a solution to our common transportation, safety and recreational needs. Your consideration on this proposal is greatly appreciated.

Sincerely,

Dave DeGrandpre

Dave DeGrandpre
Senior Planner

cc: Dave Stipe, Lake County
Jim Weaver, MDT
Samuel Naseem, MD
Jim Durglo, CS&KT
Monte Sipe, City of Polson
Nancy Gordon

Polson EOS1 7711

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December 15, 1999

Mike Leis, Mayor of Polson
POB 238
Polson, Montana 59860

Dear Mr. Mayor:

We read with interest the letter written on December 9, 1999 by Monte Sipe. To be quite candid we are surprised that the city has taken a position as outlined without discussions with the business owners in the city of Polson.

We have outlined our support and areas of concern in previous letters to Mr. Stelling. To be brief we recognize the need for a road improvement. We are very concerned about what shape this will take. Century 21 Big Sky and Super 8 are very seasonal businesses. We rely on good access to our businesses. While we would likely support a bike lane we are opposed to a bike lane as outlined, as it would really restrict access to our businesses. We noted that Mr. Sipe stated the proposed bike lane could end on the east end of Super Eight; this portion of the proposal is of interest to us. We should also mention that that are many business owners in our area that share our concerns.

It is our hope that the City Council would realize how important the businesses are at the "Y" to the vitality of our city and work with us to insure a project that improves safety and does not limit, or restrict access to our business.

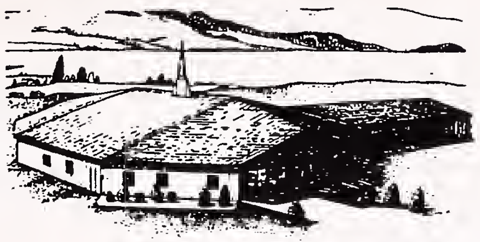
Sincerely yours,

Ric
Ric Smith
Century 21 Big Sky
Broker Owner

Ken Donovan
Ken Donovan
Super 8 Motel
Owner

cc: DAVE DeGrandpE
Mike Hutchins
Mitch Stelling

Polson East 9911



FIRST BAPTIST CHURCH

435 South Shore Route
Polson, Montana 59860-9651
Church Phone (406) 883-4174

December 21, 1999

RECEIVED
DEC 22 1999
STELLING ENGINEERS, INC.

Stelling Engineers Inc.
Suite 206
600 Central Plaza
Great Falls, MT 59401

Dear sirs,

On behalf of the parishioners of the First Baptist Church may we submit our desires for the rebuilding of Highway 35 which passes in front of our church. After attending two of the planning meetings called to gather input for this rebuild, and being unable to attend others because they conflicted with scheduled services at our church I wanted to share our opinions.

It seemed that the meetings that I did attend, centered on desirable additions to the highway, but those suggestions seemed to move beyond the basic purpose of the highway in my estimation. Bikeways, greenways, nature trails, and "traffic calming" devices may be desirable additions to the highway but, in my opinion, should not be the driving force of highway planning.

It would be our opinion that the purpose of the highway is the safe and expeditious movement of traffic. Secondary are the amenities mentioned above.

We would desire, as I indicated at the straw poll vote taken at one of the earlier meetings, safety to be paramount in the entry and egress from the highway, with lighting being adequate in the business areas in the first mile of highway from Highway 93, which would include the driveways to the church parking lot.

Also the removal of the hill which obscures the sight distance to motorist eastbound and turning left into our parking lot. This has been the scene of an ultimately fatal accident to one of our members already.

Removed from us, but critical to the safety of people coming and going to our church, would be a complete redesign of the intersection of Highway 35 and 93. The diagonal entry to Highway 93 northbound from Highway 35 needs to be changed. Possibly to a dedicated right hand turn lane, which would require a complete ninety degree turn instead of the unsafe craning of the neck to make a safe entry to Highway 93 northbound, which is the case at this time.

Thank you for your consideration of our suggestions in this rebuilding project.

Sincerely yours,

Rudy Ringhoff

Rudy Ringhoff, pastor
on behalf of the members of the First Baptist Church.

Montana Department
of Transportation

Marc Racicot, Governor

cc: Breeds
Frazier → Morrison → Fay

12-23-99 SGC

Date Recd Precons 2-2-00

Act	Info	MAIL ROUTE	Attach	Initial
	✓	30 Precons Engr		
	✓	30 Assistant		
		30 Const. Mgr		
		31 Safety Mgmt.		
		32 Road Design		
		33 Environment		
		34 Hydraulics		
		35 Survey & Mapping		
	✓	36 Traffic Eng		
		39 Consultant Dsn.		
	✓	File		

December 22, 1999

Honorable Vice Chairman Matt
Confederated Salish & Kootenai Tribes
P.O. Box 278
Pablo, MT 59855

RE: Polson-East
STPP 52-1(17)0
UPN 4036

Dear Vice Chairman Matt:

This letter is in response to the CSKT Staff's request to extend the project limits on the upcoming MT 35 reconstruction project. The designated project begins at the intersection of Highway 93 and ends just west of Ducharme Creek.

The MDT is willing to partnership with the CSKT to improve stream crossings at Ducharme Creek, Moss Creek, and Centipede Creek. This work would be conducted independent of the current work being done for the reconstruction of MT 35.

The MDT is not willing to extend the current project beyond Ducharme Creek for the following reasons:

1. The MDT has no long-term plans for any additional projects along the east shore of Flathead Lake between this project and Woods Bay. If the MDT starts planning through Fulkerson Corner, this feeds the public's perception that something is going to be done along the east shore road. The MDT does not have funding to support projects along the east shore.

2. There were several reasons for ending the project at Ducharme Creek. First, it sends a message to drivers heading east that the road narrows. This will slow down traffic heading into Fulkerson Corner. The MDT would not want to take a new road reconstruction and end it at a curve. Second, ending at Ducharme Creek does not tie the MDT into a specific alignment through Fulkerson Corner. With approximately ½ mile to the curve, the MDT will have ample distance in which to study alternative alignments in the future. The MDT has no plans at this time to evaluate road alignments through the curve.

3. And third, the ½ mile between Ducharme Creek is an environmentally sensitive area. We are concerned that extending the reconstruction efforts through this area would significantly delay needed improvements on Highway 35. The primary emphasis of this project is to correct capacity and safety issues at the west end of the project near the junction with Highway 93.

Your staff has pointed out several issues surrounding the stream crossing at Ducharme Creek and Moss Creek. One of these issues pertains to current land use upstream and downstream of the highway. We have no control over these issues. A second issue is Centipede Creek which parallels Highway 35 for 1,000 feet before converging with Moss Creek. The MDT would be willing to investigate options for a new stream crossing. However, the cooperation from downstream landowners would be key to any channel relocations.

In summary, the MDT is interested in a partnership with the CSKT to improve stream crossings including Ducharme Creek, Moss Creek, and Centepide Creek. I will direct MDT staff to work with your biologists to identify your concerns and develop solutions. We will work with you to implement any agreed upon solution. We are not willing to extend the reconstruction limits beyond Ducharme Creek for the reasons cited above.

I would be pleased to meet with you and your staff to further discuss our position. Please feel free to call me at (406) 523-5800 if you have questions.

Sincerely,

James T. Weaver

James T. Weaver, P.E.
Missoula District Administrator
Montana Department of Transportation

cc: James Durglo, CSKT NEPA Coordinator
District File
Joel Marshik
Sam Naseam

JW/cjp

February 3, 2000

Mitch Stelling
Stelling Engineers, Inc.
600 Central Plaza, Suite 211
Great Falls, MT 59401

Dear Sirs,

Enclosed are copies of the Montana Highway #35 Projects Sheets.

In red, I have marked those items which I feel must be addressed. Those items, which I feel should be totally forgotten, are marked in black. Those items, which are not marked, should be considered, if practical, in the overall plan.

The most important items are:

A.) Eliminating the hillocks to increase visibility.
B.) A wide two lane with rumble strips beyond Delaney's Nursery.
C.) A three-lane highway from highway #93 to Delaney's with raised control strips for the left and right turn lanes.
D.) Very limited access to the entire length of the road in the project. Where feasible, this will require frontage lanes. It may require traffic control signals at the Safeway entrance. Signals to be coordinated with the existing signals at the Wal-Mart entrance read.
E.) DO NOT encourage further development of any kind along highway #35. Further development should be in the town of Polson or on the West Side of the Flathead River Bridge.

Thank you for your time in this matter.

Sincerely,

Dudley H. Page

Dudley H. Page
966 South Finley Point Road
Polson, MT 59860

RECEIVED
FEB 04 2000
STELLING ENGINEERS, INC.

SE **Stelling Engineers, INC.**

• Transportation • Wastewater • Airports • Water • Site Development • Structures •

Engineering
Planning
Consulting

Suite 211.
600 Central Plaza
Great Falls, MT 59401

(406) 452-8600
Fax (406) 452-8700
Email: stel_eng@worldnet.att.net

June 30, 2000

Earnest Moran, Superintendent
Flathead Irrigation Division
P.O. Box 666
St. Ignatius, Montana 59855

Subject: STPP 52-1(17)0
POLSON-EAST HIGHWAY
Control No. 4036

Dear Superintendent Moran:

The Montana Department of Transportation (MDT) will conduct a technical review of preliminary plans with affected agencies for the Polson-East project on Friday, July 28, 2000. The technical review will begin at 9:30 a.m. at the Tribal complex in Pablo. The meeting will end at roughly 3:00 p.m. We will adjourn from 12:00 to 1:00 for lunch. For those interested, a field review of the project could be conducted from 3:30 p.m. to 4:30 p.m.

We want to emphasize that this is not a public meeting. Instead, the MDT is reviewing the merits of the Consultant's (Stelling Engineers, Inc.) preliminary design. A public meeting is scheduled for a later date.

The proposed alignment and grade has significant impacts to the Polson B, Z, and D canals. Our proposed impacts to irrigation facilities include:

1. Utilize the Polson B canal for receiving storm water runoff.
2. Relocate Polson "Z" canal crossing to the west.
3. Relocate over 1,800 feet of the Polson "B" canal.
4. Eliminate the two (2) crossings of the Polson "D" canal at the hill roughly 1.3 miles east of the junction. Eliminate the north portion of the canal and place it in a pipe outside the new south right-of-way line.
5. Highway crossings from the Polson "D" canal to McAlphin and Speckert lands.

We have enclosed one (1) set of preliminary plans and one (1) set of preliminary cross sections for your review. Please understand that these plans are preliminary and have not been reviewed by the MDT staff and have not been presented to the public. The comments received during this technical review may alter the design ultimately presented at a public meeting.

In addition to the Flathead Irrigation District, representatives from the City of Polson, Lake County, and the CSKT have bee invited to attend this technical review.

Sincerely,

Mitchell N. Stelling, P.E.
Stelling Engineers, Inc.

Enclosures

cc: Loran Frazier, P.E. - MDT Missoula District Administrator
Sam Naseem, P.E. - MDT Consultant Design Engineer

MNS/llc

SE **Stelling Engineers, INC.**

• Transportation • Wastewater • Airports • Water • Site Development • Structures •

Engineering •
Planning
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(406) 452-8600
Fax (406) 452-8700
Email: stel.eng@worldnet.att.net

June 30, 2000

Barry Baker, Chairman
Lake County Commission
106 4th Avenue East
Polson, Montana 59860

Subject: STPP 52-1(17)0
POLSON-EAST HIGHWAY
Control No. 4036

Dear Chairman Baker:

The Montana Department of Transportation (MDT) will conduct a technical review of preliminary plans with affected agencies for the Polson-East project on Friday, July 28, 2000. The technical review will begin at 9:30 a.m. at the Tribal complex in Pablo. The meeting will end at roughly 3:00 p.m. We will adjourn from 12:00 to 1:00 for lunch. For those interested, a field review of the project could be conducted from 3:30 p.m. to 4:30 p.m.

We want to emphasize that this is not a public meeting. Instead, the MDT is reviewing the merits of the Consultant's (Stelling Engineers, Inc.) preliminary design. A public meeting is scheduled for a later date.

The proposed alignment and grade requires reconstruction at six county road intersections including Turtle Lake Road, Ducharme Lane, Haack Road, Dixon Lane, Orchard Lane, and Hawk Drive. We have also included proposal for pedestrian walkways and a bicycle path. We would encourage your County Planner, Dave DeGrandpre to attend this meeting.

We have enclosed one (1) set of preliminary plans for your review. Please understand that these plans are preliminary and have not been reviewed by the MDT and have not been presented to the public. The comments received during this technical review may alter the design ultimately presented at a public meeting.

In addition to Lake County, representatives from the City of Polson, Flathead Irrigation District, and CSKT have been invited to attend the technical review.

Sincerely,

Mitchell N. Stelling, P.E.
Stelling Engineers, Inc.

Enclosures

cc: Loran Frazier, P.E. - MDT Missoula District Administrator
Sam Naseem, P.E. - MDT Consultant Design Engineer

MNS/llc

SE **Stelling Engineers, INC.**

• Transportation • Wastewater • Airports • Water • Site Development • Structures •

Engineering
Planning
Consulting

Suite 211,
600 Central Plaza
Great Falls, MT 59401

(406) 452-8600
Fax (406) 452-8700
Email: stel.eng@worldnet.att.net

June 30, 2000

HONORABLE MIKE LIES
Mayor, City of Polson
106 First Street East
Polson, Montana 59860

Subject: STPP 52-1(17)0
POLSON-EAST HIGHWAY
Control No. 4036

Dear Mayor Lies:

The Montana Department of Transportation (MDT) will conduct a technical review of preliminary plans with affected agencies for the Polson-East project on Friday, July 28, 2000. The technical review will begin at 9:30 a.m. at the Tribal complex in Pablo. The meeting will end at roughly 3:00 p.m. We will adjourn from 12:00 to 1:00 for lunch. For those interested, a field review of the project could be conducted from 3:30 p.m. to 4:30 p.m.

We want to emphasize that this is not a public meeting. Instead, the MDT is reviewing the merits of the Consultant's (Stelling Engineers, Inc.) preliminary design. A public meeting is scheduled for a later date.

The proposed alignment and grade has a significant impact to the City of Polson's water transmission main and service connections. Also, we have proposals for pedestrian and bicycle paths. We would encourage your Public Works Manager, John Campbell, and City Planner, Monte Sipe, to attend this meeting.

We have enclosed one (1) set of preliminary plans for your review. Please understand that these plans are preliminary and have not been reviewed by the MDT and have not been presented to the public. The comments received during this technical review may alter the design ultimately presented at a public meeting.

In addition to the City of Polson, representatives from the Flathead Irrigation District, Lake County, and the CSKT have been invited to attend this technical review.

Sincerely,

Mitch Stelling

Mitchell N. Stelling, P.E.
Stelling Engineers, Inc.

Enclosures

cc: Loran Frazier, P.E. - MDT Missoula District Administrator
Sam Naseem, P.E. - MDT Consultant Design Engineer

MNS/llc

FLATHEAD
NATION
Joseph E. Dupuis - Executive Secretary
Vern L. Clairmont - Executive Treasurer
Leon Bourdon - Sergeant-at-Arms

THE CO EDERATED SALISH AND KOOTE TRIBES
OF THE FLATHEAD NATION
P.O. Box 278
Pablo, Montana 59855
(406) 675-2700
FAX (406) 275-2806
E-mail: csktcouncil@ronan.net

TRIBAL COUNCIL MEMBERS:
D. Fred Matt - Chairman
Jami Hamel - Vice Chair
Carole J. Lankford - Secretary
Lloyd D. Irvine - Treasurer
Darryl A. Dupuis
Margaret Goode
S. Kevin Howlett
Mary Lefthand
Elmer "Sonny" Mongeau
Ron Trahan

Tuesday, July 25, 2000

RECEIVED
JUL 26 2000
STELLING ENGINEERS, INC.

Mr. Joel Marshik
Environmental Services Manager
2701 Prospect Avenue
PO Box 201001
Helena, MT 59620-1001

RE: STPP 52-1 (17)0
Polson-East Highway
Control No. 4036

Dear Mr Marshik,

The Confederated Salish and Kootenai Tribes (CSKT) respectfully decline your request to be a Cooperating Agency on this proposed project. However, we maintain the position of being directly involved in planning and commenting on the proposal. We look forward to developing solutions to address the many concerns which the existing highway and adjacent property present.

We submit the following information in regards to the area:

- Ongoing projects in the vicinity include the reconstruction of Haack, Dupuis, and Turtle Lake Roads, respectively. A non-Tribal subdivision has been proposed east of the Mission Bay subdivision, on the north side of Highway 35.

- An environmental assessment has been completed for the Eagle's Nest RV Park in 1990. A Cultural survey was done for this project. Another request for a Cultural survey must occur and a request for survey must be submitted to the Tribal Preservation Office for the proposed highway project.

- A Confederated Salish and Kootenai Tribes, Aquatic Lands Conservation Ordinance (ALCO) application and permit must be obtained before any work is performed that would effect shorelines, water courses, or stream beds. We request that you coordinate your work plans with the CS&KT Water Quality Program and the CS&KT Shoreline Protection Program.

- The CS&KT request to be involved in design for highway signs to be consistent with designs on other highway projects throughout the Flathead Indian Reservation.

- There are no known mineral leases or mining activity, abandoned mines, or reclaimed mines in the project vicinity.

- There are no specific land leases or land uses that may be adversely impacted, other than those previously identified. Addressing impacts from Stormwater drainage should occur with the proposed project.

- There are no known lands present or being planned for usage as defined by *Section 4(f)* of the *Department of Transportation Act* (**49 U.S.C. 303**). Lands that are publicly owned significant, state or local parks, wildlife refuges or recreation areas or sites eligible for inclusion, or in the National Register of Historic Places (*Section 106* of the National *Historic Preservation Act*, **16 U.S.C. 470**.

- No lands have been purchased or administered for recreational purposes under *Section 6(f)* of the *National Land & Water Conservation Fund Act* (**16 U.S.C. 460**)

We look forward to continuing work with the Montana Department of Transportation on this project.

Sincerely,

Jami Hamel
for D. Fred Matt
Chairman, Tribal Council
Confederated Salish and Kootenai Tribes

cc: Loran Frazier, MDT
Janice Brown, FHA
Mitchell Stelling, Stelling Engineers, Inc.

Century 21.
Big Sky Real Estate
19 South Shore Route, P.O. Box 1027
Polson, Montana 59860
Bus. (406) 883-5387 / (406) 883-5201
Fax (406) 883-5389
Email www.c21bgsky@digisys.net

RECEIVED
AUG 2 2000
STELLING ENGINEERS, INC.

August 8, 2000

Mitch Stelling
And Montana Department of Highway

I am sorry to be unable to attend your informal meeting this evening.

I wish to provide some written comment at this time.

It seems that alternative three has potential to be the best for the junction. There remain details that need to be addressed before Century 21 Big Sky could support this alternative however.

I do wish to provide additional comment this time on the construction schedule. As others and I have stated before construction could be devastating to the many businesses along 35.

With all of the discussion about how poor the economy in Montana is, it seems to me that the state would do everything possible to help existing business grow and prosper. Business in this area is very seasonal. It would be devastating to any business to not have good access during the busy season.

I believe it is essential that when the state issues the design for bids there needs to be details for the construction schedule. At this time I propose:

#1 That MDOT forms a committee with affected business owners along highway 35 to develop the details of the construction. Details would include items such as phases and sections to be completed. Also included would be how access to business would be maintained. The results of the committee would become a part of the contract that MDOT offers for bid.

#2 I also propose that all construction occur during the hours of 11:00 PM to 6:00 AM. I do not know if Montana has done this yet but many other states do and this is a perfect place and time to do so.

I hope we can get together to discuss some of the details on alternative three in the near future. I also hope that we can discuss my proposed committee and the construction schedule.

Sincerely yours,

Ric Smith
Broker Owner

Mission Meadow
B B

August 23, 2000

RECEIVED
AUG 2 6 2000
STELLING ENGINEERS, INC.

Mitch Stelling
Stelling Engineers, Inc.
600 Central Plaza
Suite 211
Great Falls, MT 59401

Dear Mitch:

Re. comments on MT 35 Highway Reconstruction Project

Thank you for taking the time to speak with us about the Highway 35 project on Tuesday. I am sorry we were not able to return for the evening meeting, but we got delayed in other activities that afternoon and were not able to get back for the meeting.

We do want to express a couple of views in writing, as we mentioned when we met.

Support for Alt. #3 for Hwy 93 - 35 Intersection. We strongly support your proposal to eliminate the Tradewinds/Ingram and Y-Ribs buildings and construct a frontage road on the north side of the intersection. This intersection needs substantial improvement to handle the traffic volume safely and efficiently, and it will require some significant attention. Your Alternative #3 seems to address these issues well and will be of tremendous benefit to all who use that intersection. As people who regularly encounter that intersection–from all directions–we can attest that traffic flow is slow and dangerous. The multiple (perhaps "continuous" would be a better term) driveway cuts on the north side of 35 are extremely dangerous and the situation would be greatly improved by a frontage road. Thank you for your attention to this detail.

We know there are limits to your authority, but we also encourage you to push for other changes to the numerous highway entrances on the south side of this intersection. Perhaps 4Bs could be convinced to limit their traffic to the entrance they share with Safeway, thus eliminating the west entrance to 4Bs. Of course, the best solution would be for Safeway and 4Bs to have access from a new cross street coming off of Heritage Way (Wal-Mart entrance).

Support for Bicycle/Pedestrian Path. In the meetings last summer of citizens concerned with this project, there was overwhelming interest in providing a bicycle/pedestrian path from the Hwy 93 - 35 intersection to Ducharme Lane. Your proposed plan provides such a path, which is responsive to the citizens' concerns. We support including this path and view it as an important link to making Polson less dependent on the automobile and providing an important opportunity for outdoor recreation.

Objections to Volume of Fill Proposed. Your current proposal calls for as much as 16 feet of fill in front of our property. While we fully support efforts to improve the sightlines at our driveway, we believe your proposal unnecessarily raises the highway–with adverse aesthetic and

1868 South Shore Route • Polson, Montana 59860
(406) 883-5970 • 1-888-80 MEADOW

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noise impacts. As the highway currently exists, our sightlines to the east are fine–but they are inadequate to the west. Thus, the hill to the west needs to be cut–but there is no need to fill to the east. We understand the desire to balance the cutting and filling within the project, but it seems to us your current proposal for the highway in front of our property is driven by this desire–rather than by good and necessary design considerations.

We have a couple of specific thoughts in this regard. First, while some raising of the roadway in this area may be acceptable, there certainly seems no good reason for increasing the elevation of the hill to the east of our property. That elevation ought to be a baseline for the slope. Second, additional fill could be used to raise the elevation of the road to the east of our property–instead of at our property. Again, that would seem to level the road and reduce the hill to the east of our property. Third, if there remains a concern with what to do with extra fill, I would be interested in discussing placing the fill on our property to create a berm to shield our property from the sight and noise of the highway. In other words, there may be multiple options for disposing of the fill within or near the project design limits, besides unnecessarily raising the roadway itself.

We hope we might have some further discussions with you regarding the fill before you proceed further with the project design.

Again, thank you for your work on the project and listening to the citizen concerns.

Sincerely,

John Horwich

Pam Horwich

Pam Horwich

August 25, 2000

Mitch Stelling
Stelling Engineers Inc.
600 Central Plaza Suite 211
Great Falls, Mt. 59401

In reference to- Polson-East Highway STTP 52-1 (17)0 UPN-4036

We did attend the open house you had at the Baptist Church on August 22nd. We did leave a comment in the comment box but also wanted to send a letter about our concerns.

Our son Kenneth Gochis has his electrical business, Foothills Electric located in our shop at the same address as ours. He has 18 wheelers delivering material at least once a week or more. The weekly delivery van is here twice a week.

If our approach and driveway is combined with someone else it would be very inconvenient for his business. We have a fruit stand out front and for at least 3 weeks out of the year we are hauling bins of sweet cherries to the plant on FinleyPt. with a truck and big trailer. We also have a large motor home and boat which we use the driveway for.

We are gone for about 4 months in the winter so if any one wants to contact us they will have to do so by mail or call Kenneth Gochis at 406-883-6816 or 406-883-4224.

The road improvements will be very nice when completed but you might consider the 60 mile and hour speed limit by our house as alittle to fast.

Our driveway is used by two families, our son and family who live directly above us in upper portion of property, and us.
Thank you

Sincerely,
Shirley Gochis
Shirley Gochis

832 South Shore St.

Polson, Mt. 59860

RECEIVED
AUG 2 2000
STELLING ENGINEERS, INC.

POLSON

City of Polson • P.O. Box 238 • Polson, Montana 59860-0238 • Telephone 406-883-8200 • Fax 406-883-8238

RECEIVED

AUG 29 2000

STELLING ENGINEERS, INC.

August 25, 2000

To: Loran Frazier, MSLA-MDT District Administrator
2100 W. Broadway
P.O Box 7039
Missoula, MT. 59807-7039

From: Mayor of Polson & Council Members

Re: Proposed Project for Highway 35 (Polson-East)

Dear Loran,

First, it may be appropriate to review the project proposal and the intent for the reconstruction of Highway 35. The Polson City Councils understanding is that the reconstruction is being proposed to address inadequate line of site, correct existing problem access points, address overall safety concerns and enhance the functionality of the designated road section. Also involved with this project is the development of access management guidelines for this portion of the States highway system.

MDT's goals and objectives for access management is to enhance public safety, maintain flow and the integrity of the highway, preserve the public's investment in the highway, and reduce future maintenance costs. Some of the basic strategies and techniques driving access management are:

- limit the number of conflict points
- separate conflict areas
- remove turning vehicles from through traffic lanes
- reduce conflicting volumes
- improve roadway operations
- improve driveway operations

The City of Polson greatly appreciates being involved in developing an acceptable design proposal for this project and to address the serious problems now present. The City staff and governing body have been working with MDT, Stelling Engineers, Inc., CSKT, Lake County and various community groups for the preferred alternative over the past eight months.

One of the areas of most concern to the local community is the intersection of Highways 93 & 35. After thorough consideration of all the alternatives discussed to date the City of Polson is adamant about incorporating a reverse frontage road to the north side of the intersection and providing two (2) lanes of traffic eastbound on Highway 35 from the intersection. This vicinity is located within the city limits and is zoned Highway Commercial. The area has exhibited greater development pressures over the past five (5) years and is projected to continue into the future. One only needs to spend a few minutes at this intersection during the summer months to understand the serious problems that oow exist.

To that extent, and with the above mentioned goals and objectives in mind, the City Council would ask that you seriously consider the above mentiooed design aspects. It is our understanding that such a coocept has been designed and submitted from Stelling engineers, Inc. The proper design of the intersection is one of, if not the most important aspect in accomplishing a viable long-term solution for this portion of highway.

Once again, the City Council thanks you for involving the City of Polson and the community in the development process for this project. It is a well warranted project and hopefully the priority for this project could be moved forward and come to light in the near future.

Sincerely,
Polson City Council

Mike Lies,
Mayor of Polson

Cc: Ivan Ulberg, Access Management Coordinator
Denny Foy, Engineering Services Supervisor
Mitch Stelling, Stelling Engineering, Inc.

Century 21.
Big Sky Real Estate
19 South Shore Route, P.O. Box 1027
Polson, Montana 59860
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RECEIVED
SEP 18 2000
STELLING ENGINEERS, INC.

September 15, 2000

Mitch Stelling
Stelling Engineers
Suite 206
600 Central Plaza
Great Falls MT 59401

Dear Mr. Stelling:

Thank you for the open house on highway 35. It has been a busy summer in the real estate business thus, this somewhat late letter.

It is the position of Century 21 Big Sky that Alternative Three has potential to be the best for the junction. There remain many detail questions that should be able to be worked out.

As I have mentioned before the construction period is of tremendous concern to myself and other business owners in the junction area. Polson is very seasonal. One season with a drop in sales would be devastating to the business community.

With this in mind, I propose the following:

#1 Construction to cease from May 15, to the first Monday after Labor Day. The state has agreed to this schedule on 4th avenue elsewhere in Polson.

#2 That the MDOT have a detailed construction contract. This would include a detailed phasing of the project. The goal would be to provide minimal disruption to area business. MDOT could meet with business owners from the area and work with them to develop this portion of the contract.

#3 Access to any business will not be denied at anytime during construction. Signage to be installed to make it easier for customers to access the business of their choice.

I truly believe that if Stelling and Associates and or MDOT would continue their policy of open communication the above referenced construction issues could be further detailed and resolved.

I appreciate your time. Please feel free to contact me should you have additional questions.

Warmest Regards,

Ric Smith
Broker Owner

Each Office Is Independently Owned And Operated

COMMENT SHEET

1999 Public Hearing

I have the following comments or questions about the MT 35 Highway Reconstruction Project:

I live on 35 about 1/2 mile from 48's.
I have been out there 30 yrs. the traffic is
getting more than Hiway can handle.
I think they should declare emergency for
highway 35 - have seen quite a few wrecks
at Safeway turn.
I should hope that most of right a way
comes from the north side of hiway.

Name:
Address:
Phone:
(above information is optional)

(Please put in comment box or mail to: Stelling Engineers, Inc., 600 Central Plaza, Suite 211, Great Falls, MT 59401)

COMMENT SHEET

I have the following comments or questions about the MT 35 Highway Reconstruction Project:

I agree with Alt D, but think there
probably should be a right turn for
cars headed out of town, or maybe
just for a portion of the way.

One man said to improve the integrety
of the 3 creeks [illegible] that were past the
end of the project; I agree with this, I
would like to see an improvement in this.

I also would like a bike lane from
Finley Pt to Polson. This could
decrease traffic from cars, because people
may ride their bikes to get groceries, see
a friend etc...

Name: Kim Smith
Address: P.O. Box 1648 Polson MT 59860
Phone: 406-883-2771
(above information is optional)

(Please put in comment box or mail to: Stelling Engineers, Inc., 600 Central Plaza, Suite 211, Great Falls, MT 59401)

1

COMMENT SHEET

I have the following comments or questions about the MT 35 Highway Reconstruction Project:

1) Extend project to include curve to North East of Ducharme Creek

2) Include revision to traffic light at junction of H35 & 93. Major safety problem with yield, no control, turning right on 93 from 35 Speed into Polson.

2) Design Alternative B is the preferred alternative for businesses along H35

Name: Gary Wick
Address: P.O. Box. 1209
Phone: 883-7740
(above information is optional)

(Please put in comment box or mail to: Stelling Engineers, Inc., 600 Central Plaza, Suite 211, Great Falls, MT 59401)

COMMENT SHEET

I have the following comments or questions about the MT 35 Highway Reconstruction Project:

Keep in mind that this area is zoned for and developing as a high concentration vehicular travel commercial development. Amenities like walkways, bike paths, horse and golf cart trails should not be introduced as an impediment to the highest and best use of commercial property as it is now zoned and developed.

Name: Gordon Jenkins
Address: 14 Eagle Drive - P.O. Box 302
Phone: 883-8807
(above information is optional)

(Please put in comment box or mail to: Stelling Engineers, Inc., 600 Central Plaza, Suite 211, Great Falls, MT 59401)

COMMENT SHEET

I have the following comments or questions about the MT 35 Highway Reconstruction Project:

FIRST, I THINK THAT PORTIONS OF THIS PROJECT SHOULD BE PUSHED FORWARD IN A MORE IMMEDIATE TIME FRAME. MAINLY FROM THE 93/35 JUNCTION TO HERITAGE LANE. THIS IS A HIGHLY CONGESTED AREA w/ MANY SAFETY CONCERNS.

SECOND, I BELIEVE IT IS IMPERITIVE THAT SOME LANDSCAPING BE INCORPORATED INTO THE DESIGN. THIS IS THE MAIN ENTRY INTO THE CITY OF POLSON AND NEEDS TO MAKE A STATEMENT ABOUT THE COMMUNITY

THIRD, AS GROWTH INCREASES TOWARD THE EAST OF TOWN I FEEL THAT ACCESS SHOULD BE ADDRESSED THROUGH SHARED FRONTAGE ROADS. BASICALLY COMBINING CLOSE PROXIMITY SINGLE ACCESSES INTO SHARED ACCESS TO SERVE 5-10 PROPERTIES OR DWELLINGS

Name: MONTE SIPE
Address: 309 5TH AVE. W. APT. 4
Phone: H 883-1438 W 883-8216
(above information is optional)

(Please put in comment box or mail to: Stelling Engineers, Inc., 600 Central Plaza, Suite 211, Great Falls, MT 59401)

COMMENT SHEET

I have the following comments or questions about the MT 35 Highway Reconstruction Project:

My main concern is the intersection of highway 35 + US 93. I would like to see the grade of highway 35 approaching the stop light reduced The approaches for Super 8 + four Bs may have to be moved to the East. The intersect it self needs to be expanded to ~~redu~~ increase the turning radius, if at all possible. Both hiway 35 and US 93 need long right turn lanes, this will help the flow of traffic. I also think that a 5 lane rural hiway should be considered. I believe a 5 lane would greatly reduce traffic congestion, especially since traffic numbers continue to increase.

Name: John Jellison Hanson Trucking Inc.
Address: P.O. Box 218 Columbia Falls MT 59912
Phone: 406 892-3900
(above information is optional)

(Please put in comment box or mail to: Stelling Engineers, Inc., 600 Central Plaza, Suite 211, Great Falls, MT 59401)

COMMENT SHEET

I have the following comments or questions about the MT 35 Highway Reconstruction Project:

My commet is concerning The intersection of 35 and 93. I work For a trucking company That uses 35 and 93 To Travel To missoula from columbia Falls. The intersection is dangerous and a hazard To all trucks. The Hill needs To be at Less of a angle and the intersection Larger. The Lots around The intersection could be purchased and be use able for the improvement. I Feel The intersection is more inportant in The reconstruction of the highway Then some of The other concerns. I realize money on This project is short and Room around The intersection is Limited but I feel This is a major concern To all.

Name: Chris Hanson
Address: Box 218 Col. Falls MT
Phone: 892- 3900
(above information is optional)

(Please put in comment box or mail to: Stelling Engineers, Inc., 600 Central Plaza, Suite 211, Great Falls, MT 59401)

9911 comment sheet.wpd 01Nov99

COMMENT SHEET

I have the following comments or questions about the MT 35 Highway Reconstruction Project:

Emergency Funds Should be aquired For This Project – Highway #35 will not accomodate The increased Traffic & is becoming a Hazard

Name: Harry Miller
Address: Box [illegible] (Hawk Road) [illegible]
Phone: 883-2550
(above information is optional)

(Please put in comment box or mail to: Stelling Engineers, Inc., 600 Central Plaza, Suite 211, Great Falls, MT 59401)

9911 comment sheet.wpd 01Nov99

COMMENT SHEET

I have the following comments or questions about the MT 35 Highway Reconstruction Project:

We would love a path of some sort
all the way down to Ducharme Lake.
We would love to see a [illegible]
nature preserve area @ Ducharme's
fishing access — Polson residents
could bike or walk safely to this
lake access and then return.
We hope your vision can help
us improve our area & this
idea — there is no walking path
around the lake currently —
wouldn't this be wonderful?

Pam Horwich
273-5970

Name:

Address:

Phone:

(above information is optional)

(Please put in comment box or mail to: Stelling Engineers, Inc., 600 Central Plaza, Suite 211, Great Falls, MT 59401)

COMMENT SHEET

I have the following comments or questions about the MT 35 Highway Reconstruction Project:

We are in favor of bike and pedestrian
paths from Hwy 93 to South Shore Lane
at least. Also wider shoulders.
Do not extend lighting beyond
Heritage Dr. Turn lanes are
good at intersections only but
we are not in favor of a
3-lane rd design.

Hmmm!
Thanks!

Name: Frank & Ginny Gillin

Address: 167 Orchard Ln. Polson

Phone: 883-1861

(above information is optional)

(Please put in comment box or mail to: Stelling Engineers, Inc., 600 Central Plaza, Suite 211, Great Falls, MT 59401)

COMMENT SHEET

I have the following comments or questions about the MT 35 Highway Reconstruction Project:

Needs to be [illegible] up - the whole project - too much congestion at junction to Heritage Drive already.

Name: Kitty Pedersen

Address: PO Box 577 Polson MT 59860

Phone: (406) 883-4488

(above information is optional)

(Please put in comment box or mail to: Stelling Engineers, Inc., 600 Central Plaza, Suite 211, Great Falls, MT 59401)

RECEIVED

NOV 09 1999

STELLING ENGINEERS, INC.

COMMENT SHEET

I have the following comments or questions about the MT 35 Highway Reconstruction Project:

I WAS AT THE OPEN HOUSE. STUDIED ALL YOUR DISPLAYS, TALKED WITH A VERY NICE LADY ABOUT PROJECT. WE WERE UNABLE TO ATTEND MEETING.

WE ARE CONCERNED ABOUT PROJECT AS OUR HOME IS ALREADY CLOSE TO HWY 35. WE DO NEED SOMETHING DONE BECAUSE OF ALL THE TRAFFIC. WE DO HAVE A FRUIT STAND OUT FRONT, WHICH COULD BE MOVED, BUT OUR APPROACH IS VERY VALUABLE TO US FOR OUR CUSTOMERS (ALTHOUGH SEASON ONLY 2-3 WEEKS ON CHERRIES, BUT APPLE SALES ARE 2-2½ MONTHS.) ALSO WE RENT OUT PART OF OUR BIG SHOP TO OUR SON FOR HIS ELECTRICAL BUSINESS - ACCESS USED FOR BIG TRUCKS DELIVERING MATERIAL. WE WOULD HATE TO LOSE OUR BIG TREES - BUT YOU HAVE TO MAKE THAT CHOICE. I REALLY DON'T SEE ANY NEED FOR SIDEWALKS.

THANK YOU FOR YOU TIME.

Shirley Gochis for

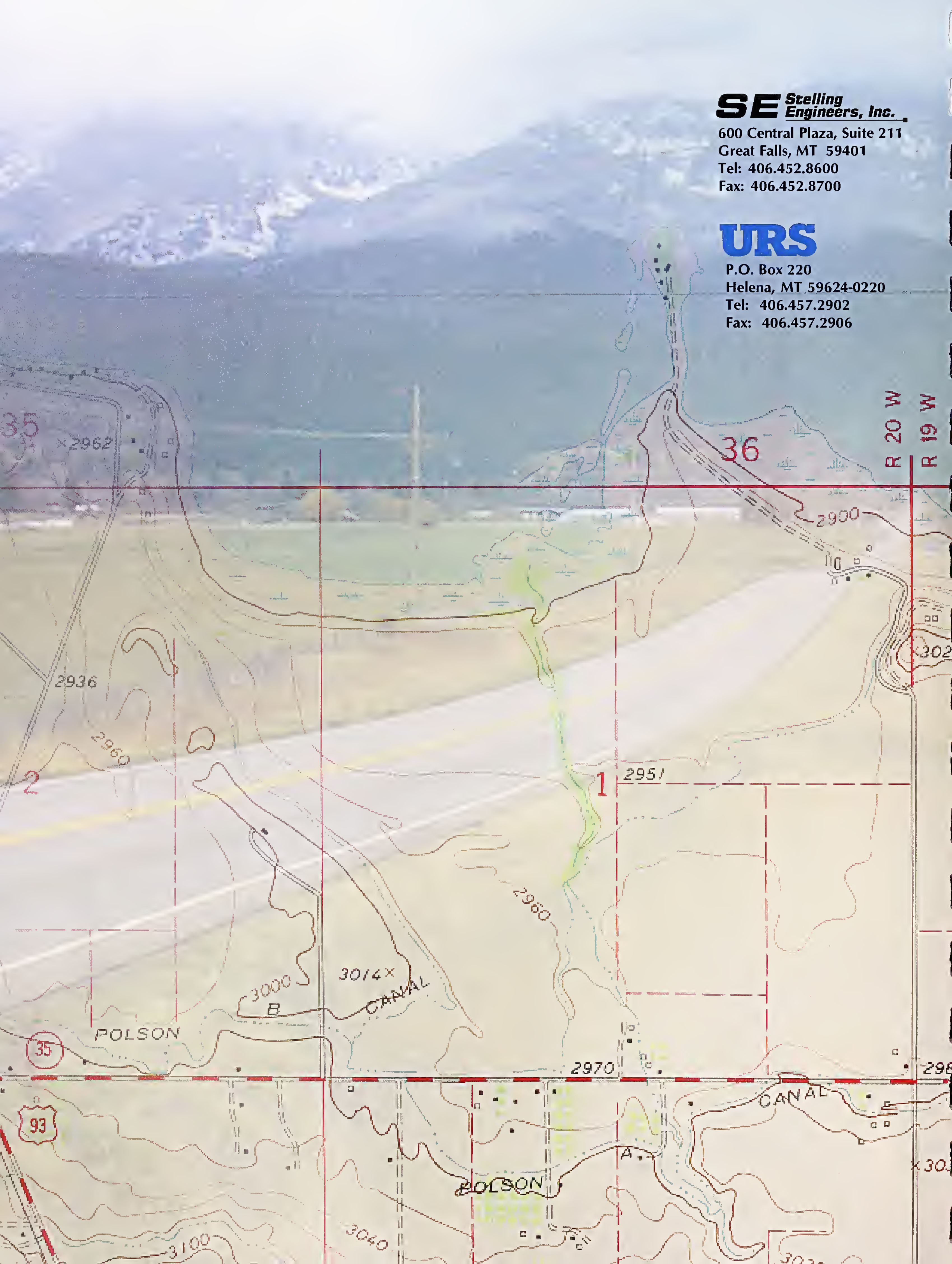
Name: PAUL D. & SHIRLEY M. GOCHIS

Address: 832 SO. SHORE RT. POLSON, MT. 59860

Phone: 406-883-1773

(above information is optional)

(Please put in comment box or mail to: Stelling Engineers, Inc., 600 Central Plaza, Suite 211, Great Falls, MT 59401)



SE Stelling Engineers, Inc.
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Great Falls, MT 59401
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Fax: 406.452.8700

URS
P.O. Box 220
Helena, MT 59624-0220
Tel: 406.457.2902
Fax: 406.457.2906